

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALISON VALENTE, JENNIFER
BARLOW, KATHRYN MONROE, SOPHIA
SMITH, STEPHANIE LEBEAU on
behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

INTERNATIONAL FOLLIES, INC.,
d/b/a THE CHEETAH and WILLIAM
HAGOOD,

Defendants.

CIVIL ACTION FILE NO.

1:15-CV-02477-ELR

DEPOSITION OF

HOLLY WOOD

OCTOBER 23, 2017

10:27 a.m.

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9

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I N D E X

WITNESS: HOLLY WOOD

EXAMINATION

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(Reporter disclosure made pursuant to
Article 10.B of the Rules and Regulations of
the Board of Court Reporting of the Judicial
Council of Georgia.)

* * *

Deposition of HOLLY WOOD

OCTOBER 23, 2017

WHEREUPON:

HOLLY WOOD,
having been first duly sworn, was examined and
testified as follows:

MR. DUDLEY: This is the deposition of
Holly Wood to be used in all pending
arbitrations in the collective action.

We have the same stipulations in this
deposition as the others; is that correct?

MR. WARD: Yes.

MR. DUDLEY: And one of the stipulations
is that all objections will be reserved except
as to the form of the question; is that correct?

MR. WARD: Well, that's the law, but --

MR. DUDLEY: Are we going to practice it
today?

MR. WARD: Yeah.

EXAMINATION

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1 BY MR. DUDLEY:

2 Q All right. Your name is Holly Wood?

3 A Yes.

4 Q Okay. Have you given a deposition before,
5 Ms. Wood?

6 A Yes.

7 Q How many times?

8 A I don't know. A couple months ago with
9 your firm and with Rick Warren in July of 2015.

10 Q All right. You've given a deposition on
11 two occasions; is that right?

12 A I think that's correct.

13 Q And the latest one you recall was one a
14 couple of months ago. Was that one in the Title VII
15 case brought by Ms. Valente?

16 A Yes.

17 Q All right. Do you recall what month that
18 was?

19 A What month?

20 Q Yes.

21 A Two months ago.

22 Q All right. And then you gave a -- you
23 understood that to be a sexual harassment case, is
24 that correct, against Cheetah?

25 A Yes.

1 Q All right. And then you gave another one
2 in July of 2015. Rick Warren was defending Cheetah in
3 that case?

4 A Yes.

5 Q And was that an FLSA case?

6 A I think so.

7 Q Do you know what FLSA means, when I use
8 that word?

9 A Fair Labor Standard.

10 Q You understand that's a wage-an-hour case?

11 A Yes.

12 Q And you understand that's why we're here
13 today, right?

14 A Yes.

15 Q And the case with Rick Warren was -- do
16 you know whether Harlan Miller was the person deposing
17 you in that case?

18 A Jim McDonough.

19 Q Jim McDonough.

20 So you've already given a deposition in
21 this case, then?

22 A Yes. So does that count? Let's go home.

23 Q Was that about whether the arbitration
24 agreements were enforceable?

25 A Yes.

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1 Q Okay. Any other depositions?

2 A Not that I remember.

3 Q Okay. I hate to ask you this, but how old
4 are you, Ms. Wood?

5 A 45.

6 Q 45.

7 How long have you worked at The Cheetah?

8 A Since I was 18.

9 Q So you've been there 27 years; is that
10 right?

11 A Yes.

12 Q Have you always been a house mom at The
13 Cheetah?

14 A No.

15 Q Were you an entertainer also?

16 A No. But I think I entertain.

17 Q What did you do before you were a house
18 mom?

19 A I was a waitress.

20 Q You were a waitress?

21 A Front door girl, beer tub girl, food
22 runner, house mom, day manager, back to house mom.

23 Q Can you go through each one of those and
24 kind of tell me how long you did it, what years you
25 did it?

10

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1 A Sure.

2 Front door from 1992 to 2000. Waitressed
3 from '92 to '99. Beer tub from '92 to probably
4 '94, only on busy days.

5 Q Okay.

6 A Dining room '92 to '94, which would
7 include food running.

8 Then I was day manager from -- relief
9 house mom from '99 to 2003. Day manager from
10 probably -- this is an estimation -- November 2003
11 until October of 2011, and then I've been back on
12 nights since October 2011 as a house mom.

13 Q Can you tell me what your job duties as a
14 house mom are?

15 A Doing auditions, agreeing on schedules,
16 working with the girls on hair, makeup, costumes,
17 making sure everybody is, you know, doing their jobs,
18 working, going to stage, keeping track of who is where
19 in the building and following our policies.

20 Q Would you agree with the statement that
21 one of your more important duties is to make sure
22 entertainers are at work when they're scheduled to be
23 there?

24 A It's one of the hardest.

25 Q I'm sure that is.

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1 Would you agree with that statement?

2 A That it's one of the --

3 Q Your more important duties.

4 A One of my -- I mean, they're all
5 important. Without the dancers we couldn't have
6 entertainment, so it's very important that they -- and
7 they can't make money if they're not at work, so it's
8 very important for them to be present.

9 Q So, would that be a yes?

10 A I would agree it's very important for them
11 to be at work to make money.

12 Q Okay. And it's very important for
13 Cheetah, being a nude dancing club, to have nude
14 dancers there at all times in the quantity that they
15 want, correct?

16 A Correct.

17 Q And how many would be the optimum on a
18 typical night shift?

19 A 60.

20 Q Would you agree -- I think you already
21 stated this, that it's difficult to get 60 of them
22 there on time, dressed, ready to dance, right?

23 A It would be a miracle.

24 Q That's what you're faced with every day?

25 A Yes.

1 Q Would you agree with the statement that it
2 is important for you to have dancers there that are --
3 satisfy Cheetah's appearance requirements and costume
4 requirements?

5 A Yes.

6 Q Can you give me an idea of what it is that
7 Cheetah expects from a dancer, appearance-wise?

8 A Sober.

9 Q All right.

10 A Good attitude.

11 Q Do you understand I'm asking you
12 appearance-wise? Do you understand --

13 A That is definitely appearance-wise.

14 Hair and makeup, we do set standards,
15 because that's how they make their money. They're
16 salespeople for themselves, too. If they have on
17 dirty clothes, nobody is going to want to sit next to
18 them. If they have spray tan on their outfit or
19 haven't washed their clothes. They want to smell
20 nice. They want to use all the senses.

21 MR. CHAPMAN: Holly, can I ask you just to
22 speak up just a little bit?

23 THE WITNESS: Sure.

24 BY MR. DUDLEY:

25 Q So Cheetah expects the dancer to wear

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1 makeup, right?

2 A Yes.

3 Q And have their hair done?

4 A Yes.

5 Q Smell nice?

6 A Yes.

7 Q Nails done?

8 A They don't have to have their nails done,
9 but they make more money when they do.

10 Q Are they encouraged to have their nails
11 done?

12 A I've never encouraged them, but it looks
13 nice.

14 Q And would you agree that Cheetah expects
15 them to have their toenails done?

16 A I think when their feet are in people's
17 faces all night -- it's not written anywhere, but I
18 think it's their -- The Cheetah would expect their
19 toes to look nice.

20 Q Okay. So, is that a yes?

21 A I would say yes, common sense yes.

22 Q Now, would you agree with the statement
23 that it is fashionable these days for women to shave?
24 Would you agree with that statement?

25 A Yes, 99 percent shave.

1 Q And is it expected that The Cheetah
2 dancers shave for work?

3 A There's the 1 percent that doesn't, and
4 they make money because of it.

5 Q Some women don't do it, because they make
6 money doing that?

7 A Yes.

8 Q They're expected to shave their underarms
9 and their legs?

10 A They don't have to. I see quite a few
11 that don't shave their legs, they just wear thigh
12 highs.

13 Q Does Cheetah expect them to do that?

14 A It's not a -- the girls can shave, not
15 shave. I've never told a girl they had to shave.
16 That's never come up in 25 years.

17 Q So, if a dancer came to The Cheetah with
18 hairy legs and hairy underarms, you and Cheetah have
19 no problem with it?

20 A It's never happened, so I can't answer
21 that.

22 Q Cheetah expects their dancers to wear a
23 costume?

24 A Yes.

25 Q And that's something that must conform to

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1 Cheetah standards; is that correct?

2 A They have to wear breakaways.

3 Q Is that correct?

4 A Yes, so they don't bend over when they
5 step out of their bottoms.

6 Q All right. In addition to the costume
7 requirements, they have to wear -- what do you call
8 it -- breakaways?

9 A Yes, that's really -- and a butt cover,
10 and it's for their protection.

11 Q And you, as a house mom, has the authority
12 to discipline dancers or recommend discipline for
13 non-adherence with The Cheetah's appearance policies
14 or costume policies, correct?

15 A So you're asking if I have authority to
16 discipline?

17 Q Yes.

18 A If they break the appearance policies.

19 Q Yes.

20 A I would just talk to them: Hey, you need
21 to put on lipstick, or you're not wearing breakaways,
22 you need to go put on a pair of breakaways, so yes.

23 Q Okay. You're the person in charge of
24 making sure they adhere to the policy, correct?

25 A One of them, yes.

16

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1 Q Okay. And your initial way to do that
2 would be to talk to them and tell them what's expected
3 from Cheetah, correct?

4 A Correct.

5 Q Now, if they don't listen to you and don't
6 do what Cheetah expects them to do, then what's the
7 next step?

8 A They listen.

9 Q So they all listen to you?

10 A They make money, and my job is to help
11 them be their best.

12 Q And you're cloaked with authority from
13 Cheetah to talk with them about appearance
14 requirements and costume requirements, correct?

15 A Yes.

16 Q Are there anything -- is there anything
17 you do that's more important for Cheetah's operations
18 than to make sure that the dancers are there and that
19 they meet Cheetah's expectations, appearance-wise? Is
20 there anything more important that you do for Cheetah
21 than those two things?

22 A I mean, there's a lot of important jobs.
23 Like making sure that everything runs, you know,
24 smoothly, and that the customers have a good time to
25 come back. So then everybody is enjoying their food,

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1 drinks, entertainment and having a good time.

2 Q Can you answer my question, please. Do
3 you want her to read it back to you?

4 A Yes, that's fine.

5 Q Do you understand the question?

6 A Is there anything more important --

7 Q Yes.

8 A If you're setting the importance, I think
9 there's a lot of important jobs, and that's my answer.

10 Q Well, I understand that you do a lot of
11 different things for Cheetah, but I'll -- do you want
12 me to repeat the question? Did you not understand?

13 A Sure. Go ahead.

14 Q Are there any two more important things
15 you do for Cheetah than to make sure that entertainers
16 are there dancing and that they meet Cheetah's
17 expectations so far as appearance and costumes?

18 A I think it's two of the important aspects
19 of my job.

20 Q All right.

21 A I can't label what is most important.

22 Q So today you cannot tell me anything
23 that's more important than those two things?

24 MR. WARD: Object to form; argumentative.

25 THE WITNESS: Do you want me to list a

1 couple? I think keeping the girls safe is the
2 most important.

3 BY MR. DUDLEY:

4 Q If you believe that there are more
5 important things you do, I want you to tell me what
6 they are.

7 A Keeping the girls safe, making sure that
8 everybody is having a good time, that the food and
9 drinks are good. There's so many, I mean --

10 Q Anything else you can think of?

11 A That the girls are making money and happy
12 and that everybody is following the policies.

13 Q Anything else?

14 A I think that's enough.

15 Q Let me ask you a few questions about your
16 compensation at Cheetah.

17 Your compensation includes tips from
18 entertainers, does it not?

19 A Yes.

20 Q Do you receive tips from anyone else other
21 than entertainers?

22 A Before April 9th?

23 Q Before April the 9th, and then I'll ask
24 you about April the 9th.

25 A Before April the 9th, entertainers gave us

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1 \$5 apiece.

2 Q All right. My question to you is: Is
3 there any other source of tips at Cheetah, other than
4 entertainers? Are you tipped by customers? Are you
5 tipped by floormen, DJs, anyone else?

6 A And I'm asking, what dates? Before April
7 the 9th we're talking about?

8 Q We're talking about before April the 9th
9 right now.

10 A Just the entertainers, it was suggested \$5
11 each.

12 Q So, before April the 9th, your only source
13 of tips for work at Cheetah was by entertainers?

14 A Yes.

15 Q All right.

16 A Customers could tip us like on our
17 birthday and stuff.

18 Q Well, did that happen sometimes?

19 A Yes.

20 Q Would you say that's -- it was not routine
21 for you to get something from a customer?

22 A It's not routine, but it happened.

23 Q But it happened?

24 A I'm always in the back, so -- but people
25 that knew me from waitressing and doing the front door

20

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1 and day manager, yeah, they would tip you 20 and say
2 hi, or if you got them change.

3 Q After April the 9th, 2016, did you receive
4 tips from entertainers?

5 A I have a bucket, but it's not mandatory.
6 It's never been mandatory.

7 Q Well, you just distinguished it by being
8 mandatory before April the 9th, and then said it was
9 never mandatory.

10 A Suggested. Suggested.

11 Q Okay. You actually said two statements
12 within the last minute that would suggest that it was
13 required.

14 A It was suggested \$5 a house mom before
15 April 9th.

16 Q Okay.

17 A But I had girls not tip me all the time.

18 Q All right. And then after April the 9th,
19 2016, how did it differ?

20 A We get nothing.

21 Q You don't get any tips at all?

22 A There's no -- if they want to tip us, they
23 can tip us.

24 Q Well, you just testified that that's the
25 way it was before April the 9th, 2016, so tell me what

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1 the difference is.

2 A Before, we suggested \$10, that's \$5 each.
3 Now we can't suggest anything. There's no suggestion.

4 Q Okay. So before April the 9th, 2016, it
5 was suggested to entertainers that they tip you \$5?

6 A Apiece.

7 Q Apiece. And then after April the 9th,
8 2016, it was suggested -- excuse me.

9 A You can't suggest.

10 Q You can't suggest it, but they can tip
11 you?

12 A They can.

13 Q So, in your mind, what does "suggested"
14 mean?

15 A In my mind? If they didn't make money,
16 they did not have to tip me. Suggested is \$5 apiece.
17 Most of the girls gave the minimum.

18 Q All right. So the minimum?

19 A Yes.

20 Q And what was the minimum?

21 A Five dollars apiece if they made money.

22 Q Okay. So, if an entertainer made money,
23 they were required to give you at least \$5?

24 A Uh-huh.

25 Q All right. And you say -- is that each

1 house mom?

2 A Yes.

3 Q How many house moms are there prior to
4 April the 9th, 2016 on the night shift?

5 A Two.

6 Q So what if an entertainer made money after
7 April the 9th, 2016? Did Cheetah expect or did you
8 expect her to tip you?

9 A No.

10 Q So are you telling me that you don't have
11 tip income anymore?

12 A The DJ tips us.

13 Q Well, I asked you about that.

14 A That's after April 9th.

15 Q Well, I asked you who tipped you after
16 that. I'm going to ask you again. Please give me a
17 truthful answer to it.

18 What were your sources of tips after April
19 the 9th, 2016?

20 MR. WARD: I'm going to object to form.

21 THE WITNESS: I haven't answered that yet,
22 because we're still covering all that. It was
23 still in the same question.

24 BY MR. DUDLEY:

25 Q Can you answer it now?

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1 A After April 9th, the DJ is the only person
2 that gives us part of his money for helping him get
3 his rotation out.

4 Q Prior to April the 9th -- let's go over
5 this again. Entertainers, if they gave you money --
6 if they made money, they gave you \$5, correct?

7 A Yes. It was not required, but yes,
8 suggested \$5 each.

9 Q If they made money?

10 A Even if they did make money, I had girls
11 that did not tip me.

12 Q Did you have any other sources of tips,
13 other than the occasional customer, prior to April
14 the 9th, 2016?

15 A No.

16 Q After April the 9th, 2016, the DJ started
17 tipping you; is that correct?

18 A Yes.

19 Q And how much did the DJs tip you?

20 A I've heard 15 to 30 percent.

21 Q Well, how much? Don't tell me what you
22 heard. Tell me what they tipped you.

23 A 15 percent.

24 MR. WARD: Object to form.

25 BY MR. DUDLEY:

1 Q Okay. So let me get this right. Prior to
2 April the 9th, 2016, entertainers tip a DJ directly,
3 correct?

4 A No, they have a tip pool agreement.

5 Q Prior to April the 9th, 2016 --

6 A No.

7 Q Let me finish the question.

8 Prior to April the 9th, 2016, entertainers
9 tipped the DJ, correct?

10 A Correct.

11 Q After April the 9th, 2016, the DJ starts
12 tipping you; is that correct?

13 A Yes.

14 Q Okay. DJs are tipped, after April
15 the 9th, 2016, by the entertainer tip pools; is that
16 correct?

17 A Correct.

18 Q So would you agree with the statement that
19 you're sharing in the entertainer tip pool with
20 floormen and DJs post April the 9th, 2016?

21 MR. WARD: Object to form.

22 THE WITNESS: After April 9th?

23 BY MR. DUDLEY:

24 Q Yes.

25 A No, the DJ is not required to tip us.

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1 Q I thought you just told me that the DJ --

2 A He's not required. He doesn't have to.

3 He wants to, to keep us there, because we would --

4 Q He voluntarily gives you 15 percent every
5 night?

6 A Yes. The floormen could tip us, but they
7 don't.

8 Q Now, prior to April the 9th, 2015, are you
9 considered a tipped employee with Cheetah --

10 A Yeah.

11 Q -- for purposes of the tip credit? Do you
12 know?

13 A Of the tip pool.

14 Q Well, you already testified you received a
15 tip from entertainers prior to April the 9th, 2016.

16 Are you what's considered a tipped
17 employee by Cheetah?

18 MR. WARD: Object to the form.

19 MS. KOLLAS: If you don't understand, just
20 say you don't understand.

21 THE WITNESS: I don't understand. I don't
22 know what The Cheetah classifies me as.

23 BY MR. DUDLEY:

24 Q Okay. Well, let me ask you this: How
25 does Cheetah pay you? Are you hourly or salary?

1 A I was salary for 16 years.

2 Q When did that change?

3 A When they passed the law you have to clock
4 your hours -- salaried employees, so I get paid
5 hourly. They divided my salary by the hours I work.

6 Q When did you quit being a salaried
7 employee?

8 A February of 2016.

9 Q So up until February 2016, you were given
10 a salary --

11 A Yes.

12 Q -- by Cheetah?

13 A Yes.

14 Q All right. And how were the tips from the
15 entertainers handled by Cheetah? The tips from the
16 entertainers that were paid to you, how was that
17 handled by Cheetah?

18 A Before April 9th?

19 Q Well, let's talk about -- yeah, if it was
20 the same before April the 9th, how was that handled?

21 A Handled by The Cheetah?

22 Q By The Cheetah.

23 A We have a tip bucket. If the girls want
24 to tip us, they can.

25 Q Does Cheetah give you a 1099 with your tip

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1 income on it?

2 A No.

3 Q Does Cheetah give you a W-9 with your tip
4 income on it?

5 A I claim --

6 Q Please answer the question, and then you
7 can explain.

8 A No, they give you a W-2.

9 Q They give you a W-2.
10 Does the W-2 have your tip income on it?

11 A Yes.

12 Q Are you sure about that?

13 A It has -- we claim our own tips.

14 Q Does the W-2 from Cheetah have your tip
15 income on it?

16 A Before 2016 --

17 Q Before April the 9th, 2016.

18 A Well, I became back hourly in February of
19 2016, so before that I was salary. Now -- I've done
20 so many jobs -- when I waitressed, you know, I claimed
21 my tips when I clocked out. When you do the front
22 door, you get hourly. When I was manager, it was
23 salary.

24 Q I'm interested in the period of time of
25 you being a house mom, and I think we can both agree

1 that when you were on salary you were given a W-2 by
2 Cheetah, right?

3 A I've had a W-2 every --

4 Q Yes or no? Answer my question.

5 A Yes, W-2.

6 Q All right. And once you became an hourly
7 employee, you were given a W-2 by Cheetah, right?

8 A Yes.

9 Q So that didn't change before April
10 the 9th, 2016, right?

11 A Yes.

12 Q Okay. Did you -- or did Cheetah put your
13 tips on those W-2s?

14 A I don't know.

15 Q Did you keep track of your tips?

16 A I know how much I make --

17 Q Yes or no? Did you keep track of your
18 tips?

19 A Yes.

20 Q All right. Do you have those records?

21 A I don't have them written down anywhere,
22 no.

23 Q Okay. What sort of records do you have?

24 A My payment plan with the IRS. I pay
25 \$1,100 a month.

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1 Q Have you been audited by the IRS about not
2 declaring tips on your income tax returns?

3 A No.

4 Q Well, what type of plan are you talking
5 about?

6 A I have an accountant, and I tell him what
7 I make, and on a payment plan I pay 1,100 a month.

8 Q On your -- well, let's go back to that.
9 Do you have records of the amounts of tips you've
10 earned during the last five years, for example?

11 A No.

12 Q All right. Did you have records of that?

13 A No.

14 Q How do you keep track of the amount you
15 get in tips per evening from working at The Cheetah?

16 A In my bank records, and --

17 Q You keep track of it by the amount you
18 deposit in the bank?

19 A Uh-huh.

20 Q Do you deposit all of your tips in the
21 bank?

22 A Most of them.

23 Q So the answer is no, you do not deposit
24 all of them, you deposit most of them; is that
25 correct?

1 MR. WARD: Object to the form; it's
2 argumentative.

3 MR. DUDLEY: I'm entitled to an answer to
4 the question.

5 MR. WARD: I understand, but with all due
6 respect --

7 MR. DUDLEY: And I want a clean record.

8 MR. WARD: And further --

9 MR. DUDLEY: And frankly, if you have an
10 objection, make it. We're not going to do what
11 we did in the last one, Kevin.

12 MR. WARD: My objection is simply
13 argumentative.

14 MR. DUDLEY: Okay.

15 MR. WARD: And you'll get much further if
16 you're less argumentative.

17 MR. DUDLEY: Okay. All right. You've
18 made the objection.

19 BY MR. DUDLEY:

20 Q If I looked at your bank records, is that
21 going to give me an accurate determination of what you
22 earned per night in shifts -- I mean, in tips?

23 A Yes.

24 Q Even though some of the money you earned
25 is not deposited in the account?

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1 A Yes.

2 Q How do you figure out your tips when it
3 comes to tax time?

4 A Before -- after April 9th?

5 Q Both. Just tell me how you did it before
6 and how you do it after.

7 A I -- I mean, I've been here for a long
8 time, so when you waitress, 10 percent of your --

9 Q I'm talking about while you were a house
10 mom.

11 A Okay.

12 Q The last five years is all I care about.

13 A Okay. I've been married for 18, and my
14 husband does our taxes; so I make a payment plan. I
15 pay 1,100 a month.

16 Q Listen, I'm glad you make a payment plan.
17 I'm glad you pay the IRS \$1,100 a month, or whoever it
18 is you're paying.

19 But all I'm asking you about is when it
20 comes to tax time on your tax returns, with your
21 husband or individually, however you file it, how do
22 you come up with the tip amount?

23 A It depends on, you know, if it's -- it's
24 an average for the year.

25 Q And how do you determine that?

1 A I don't know. My husband does all the
2 taxes.

3 Q Well, what do you tell your husband to
4 declare for the tips?

5 A I don't tell my husband. You know, claim
6 what I'm putting through the bank.

7 Q If I look at your tax return, is that
8 going to tell me how much you earned in tips at The
9 Cheetah?

10 A I guess so.

11 Q You guess so?

12 A Yes.

13 Q Okay. Can you give me an estimate of how
14 much you earn a shift in tips from entertainers?

15 A What night?

16 Q Can you give me an estimate on -- how many
17 shifts do you work a week?

18 A Four.

19 Q Four?

20 So how much do you make in tips a week,
21 say, from entertainers?

22 A It's different amounts. Which
23 entertainer?

24 Q I'm concerned with all of them, the total.

25 A Okay.

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1 Q Can you tell me what individual
2 entertainers tip you every night?

3 A Yes.

4 Q You can?

5 A Yes.

6 Q Okay. All right. We'll get into that in
7 a minute. But, right now, tell me how much you did a
8 week.

9 A It averages. I mean, it's different
10 weeks -- if it's summertime, if it's a convention --
11 it depends.

12 Q You can't average it out and tell me what
13 your average week is in tips?

14 A If you want me to give you the wide
15 spectrum, I mean --

16 Q Well, let me ask you this: How much do
17 you make a year?

18 A It depends on the year, what job I have.

19 Q Let's start with last year, how about
20 that.

21 A Okay.

22 Q How much did you make in tips from
23 entertainers last year?

24 A I don't know. I don't know.

25 Q What about the year before?

1 A I don't know.

2 Q Can you tell me any year what you made in
3 tips from entertainers?

4 A I don't know. I don't want to answer it
5 wrong. I don't know.

6 Q Can you tell me for any work week in the
7 last five years what you earned, or an average or an
8 estimate of what you earned in tips from entertainers?

9 MS. KOLLAS: I'm sorry, is that for the
10 week?

11 MR. DUDLEY: Yes, it's for the week.

12 THE WITNESS: From any entertainer?

13 BY MR. DUDLEY:

14 Q No.

15 A From all?

16 Q For the week. What you earned in tips for
17 the week.

18 A It could be between, you know, 400 up to a
19 thousand.

20 Q Is that a shift or a week?

21 A A week. Depending if it was, you know,
22 slow, big.

23 MS. KOLLAS: Do you have a average number
24 of days, like how many shifts she worked? All
25 that is going to --

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1 MR. DUDLEY: Well, she said she worked
2 four shifts a week. I mean, she knows the
3 answer to this. I've asked it in every way I
4 know possible to ask it.

5 THE WITNESS: Last week I worked two
6 shifts.

7 BY MR. DUDLEY:

8 Q Well, if you have 60 girls there and each
9 of them gives you \$5, that would be at least 300 a
10 shift, wouldn't it?

11 MR. WARD: Object to the form.

12 THE WITNESS: Divided by two.

13 BY MR. DUDLEY:

14 Q Why are we dividing it by two?

15 A Because we split --

16 MS. KOLLAS: Two house moms.

17 BY MR. DUDLEY:

18 Q I thought they got \$5 each. Why are we
19 splitting it? I don't understand.

20 A After April 9th, I'd say 75 percent of the
21 girls don't tip us.

22 Q What about before then?

23 A I'd say probably 10 girls a night didn't
24 tip us.

25 Q And is that because you contend they

1 didn't make any money?

2 A Or some just didn't like us.

3 Q Entertainers make their money from stage
4 dancing, dancing on the floor and VIP dancing; is that
5 correct?

6 A They can't dance on the floor, but on the
7 tables, on the stage and VIPs.

8 Q All right. And we're not -- if I use the
9 term "floor dancing," for purposes of this deposition,
10 I'm referring to --

11 A Table dance.

12 Q -- table dancing. Can't they dance on the
13 floor, too?

14 A Only in -- if there's a tablecloth or VIP.
15 Tablecloth is preferred seating: Mezzanine, Den or
16 dining room.

17 Q Can we agree floor dancing is everything
18 other than VIP dancing and stage dancing?

19 A Yes.

20 Q Okay. So we will do it that way.

21 Those are the three ways entertainers make
22 money, correct?

23 A Correct. After April 9th, they get \$2.13
24 an hour.

25 Q Okay. Why do you feel that's important to

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1 tell me that?

2 A Just to keep our dates.

3 Q Okay. And the reason -- you understand
4 the reason why they get \$2.13 an hour after April
5 the 9th, 2016, is because Cheetah treats them as
6 employees, correct?

7 A Say that again.

8 Q You understand the reason why they're
9 getting an hourly wage after 4/9/2016, don't you?

10 A Yes, because they're now employees of The
11 Cheetah. And I was there when they were employees the
12 first time, and they didn't want to be, so they
13 changed it back, for the record.

14 Q You would agree with the statement that
15 between 1993 and 2001 entertainers at Cheetah were
16 employees, right?

17 A I'm not sure of the dates, but they did
18 pay in Social Security taxes, I think 40 a shift.

19 Q And then Cheetah reclassified it as
20 independent contractors until April the 9th, 2016, and
21 then decided they were employees again, and now treats
22 them as employees, right? You understand that?

23 A Yes.

24 Q Okay. Would you agree with the statement
25 that entertainers are paid in one of two ways: And

1 that's either the customer gives the entertainer cash
2 or the customer gives the entertainer Cheetah Bucks.
3 And I'm talking about the period before April the 9th,
4 2016.

5 A Yes.

6 Q And Cheetah Bucks is a form of artificial
7 currency that allows a customer who wants to use his
8 credit card to purchase artificial cash to use at the
9 club, correct?

10 MR. WARD: Object to the form.

11 THE WITNESS: When you say "object to the
12 form," do I answer it anyway?

13 MR. WARD: You can. I'm just objecting to
14 the question for legal reasons.

15 THE WITNESS: Yes, it's money on their
16 credit card.

17 BY MR. WARD:

18 Q Could you read -- is your answer "yes"?

19 A Yes, it's money on their credit card.

20 MR. DUDLEY: Could you read the question
21 back, please?

22
23 (The appropriate question was read back by
24 the court reporter as follows:
25

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1 "QUESTION: And Cheetah Bucks is a form of
2 artificial currency that allows a customer
3 who wants to use his credit card to purchase
4 artificial cash to use at the club,
5 correct?")

6
7 THE WITNESS: Yes, to purchase Cheetah
8 Bucks.

9 BY MR. DUDLEY:

10 Q And the customer can use those Cheetah
11 Bucks to buy food, pay dancers, pay you?

12 A Drinks.

13 Q Pay for anything at the club --

14 A It spends like cash. Boutique -- food,
15 drinks, boutique, cover charge, if you want to buy me
16 koozie, they're \$3 -- anything.

17 Q It's only good at the club?

18 A Correct.

19 Q If somebody at the club wants to convert
20 it into cash, they must do so at the club, correct?

21 A To convert --

22 Q Cheetah Bucks into real money?

23 A We can cash in our Cheetah Bucks at the
24 end of the night. I don't know who "everybody" is.

25 Q Well, everybody but -- the customer can't

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1 cash it, right?

2 A Correct.

3 Q Everybody but the customer can cash it in?

4 A Correct.

5 Q Would you agree with the statement that
6 Cheetah entertainers are well paid? And, again, I'm
7 talking about the period -- well, the whole period.
8 Post April the 9th, 2016 and, say, the three, four
9 years before that period of time, would you agree with
10 the statement that entertainers are well paid?

11 A I think 99 percent of the entertainers
12 have made a nice living.

13 Q Okay. That 1 percent doesn't, correct?

14 A (Nods head.)

15 Q What would you say happens to that
16 1 percent that doesn't make a nice living?

17 A Sometimes we make them a waitress.

18 Q But usually they don't stay around long,
19 do they?

20 A Some stay longer than they should.

21 Q The 1 percent does?

22 A Yeah, they're usually the underdog. I
23 like the underdogs.

24 Q What do you consider a nice living?

25 A They're not homeless.

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1 Q Do you have a --

2 A They drive nice cars, nice purses, nice
3 jewelry. They're not in need of food.

4 Q Do you have an income level that you
5 consider is a nice living?

6 A Any time you're not homeless.

7 Q Oh, come on, that's not your standard, is
8 it?

9 A I think I was happiest when I made about
10 200 a week.

11 Q Well, give me a range of --

12 A I think the range of ages -- we have 18
13 year olds that work for us, so they're very thankful
14 to get their first apartment. When I first started
15 there, my apartment was \$390 a month.

16 Q So you've been there a long time. You
17 should be able to give me a pretty good answer on
18 this. What does a good Cheetah girl make a year?

19 A (No audible response.)

20 Q A hundred plus?

21 A Some have.

22 Q Some make over 100,000?

23 A Absolutely.

24 Q Some make several hundred thousand?

25 A That, I don't know. I mean, this is all

1 guessing. I don't know what they claim on their W-2s
2 or 1099s.

3 Q I bet you have a pretty good idea --

4 A I see what kind of cars they drive. I've
5 been to their houses.

6 Q I bet you have a pretty good idea about
7 what they make a shift, don't you?

8 A (No audible response.)

9 Q We'll get into why you know that, but you
10 would agree with the statement that --

11 A They're making a nice living.

12 Q They make -- some of them make thousands
13 of dollars a shift?

14 A Some do.

15 Q Some make a thousand dollars a shift?

16 A Some make a thousand, yeah.

17 Q Some make \$500 a shift?

18 A Some make \$50.

19 Q That 1 percent you're talking about makes
20 \$50, don't they?

21 A Sometimes.

22 Q They don't last long, do they?

23 A Some last years.

24 Q Well, you're not going to stick around
25 someplace you're making \$50 a night, are you?

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1 MR. WARD: Object to the form.

2 THE WITNESS: No.

3 BY MR. DUDLEY:

4 Q That's not even minimum wage, is it?

5 A I don't know. What is minimum wage?

6 Q And just to be clear, a good-looking
7 Cheetah dancer can easily make a thousand dollars a
8 shift, can't she?

9 A Yes. I think they make more off their
10 personality, though.

11 Q Well, that may be true. That would depend
12 on the guy, wouldn't it?

13 A And it depends on the day.

14 Q I agree with you.

15 A They could make a hundred dollars on a
16 slow night. I guess you'd have to ask each individual
17 girl what their lowest and highest was.

18 Q A girl who is not what some people may
19 think attractive, but has a good personality, could
20 also make a thousand dollars a night?

21 A Depending on the day.

22 Q The stage dancing income that's earned by
23 an entertainer is paid directly to the entertainer by
24 the customer, correct?

25 A All of their money is paid directly to

1 them.

2 Q Okay. And the way that's done is if it's
3 cash, the customer puts it in the entertainer's
4 garter?

5 A Yes.

6 Q Is there any other way to do it on stage?

7 A Put it in their hand.

8 Q Put it in their hand.

9 Any other way?

10 A They could give it to a waitress to give
11 to them.

12 Q Okay. Anything else?

13 A They could give it to -- I have people
14 hand me money and say, give it to that girl, because
15 they don't want to get out of their chair.

16 Q But you would agree that the typical way
17 is for the customer to put it in the garter or hand it
18 to the girl?

19 A Typical. They want to have the
20 interaction with the girl.

21 Q Could they put it on the stage?

22 A They can. After April 9th they could.

23 Q All right. Was there some reason why it
24 changed after April the 9th?

25 A I guess, above my head, they decided it

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1 was more fun.

2 Q Are you saying they now do this "rain"
3 thing where everybody throws money around?

4 A They caved in, yes.

5 Q But even when that happens, a customer
6 throws it out on the --

7 A It's rare.

8 Q -- on the stage, and then the girl gathers
9 it up after the dance, right?

10 A Yes, the girls don't prefer that, I don't
11 think, but you have to ask them. I don't prefer it,
12 because the stage is -- you've got to pick it up.
13 There's hair in it. I don't like helping the girls
14 pick up money off the stage. I don't like that. It's
15 not my choice.

16 Q Okay. And you don't have to help with
17 that. That's not really your job, is it?

18 A No, but sometimes it's, you know, nice to
19 help.

20 Q Now, a customer could also pay an
21 entertainer with Cheetah Bucks for a stage dance,
22 right?

23 A Yes.

24 Q And the cash in the Cheetah Bucks that an
25 entertainer receives from stage dancing always remains

1 in her possession, correct?

2 A The Cheetah Bucks? Yes.

3 Q Until she redeems it?

4 A Yes.

5 Q At the end of her shift, she'll go in and
6 redeem the Cheetah Buck, and they'll give the
7 entertainer cash, correct?

8 A Yes.

9 Q There's no way to distinguish whether a
10 particular Cheetah Buck comes from a stage dance, is
11 there?

12 MR. WARD: Object to the form.

13 THE WITNESS: Usually it would be \$10, if
14 it was from a stage. If it's 100, it's usually
15 a VIP.

16 BY MR. DUDLEY:

17 Q Could be either, though, couldn't it?

18 A You can get a \$10 Cheetah Buck in a VIP.
19 It could be either.

20 Q That's my point. You can't distinguish
21 it, can you? You can't tell from a Cheetah Buck
22 whether it came from stage dancing, floor dancing or
23 VIP dancing, correct?

24 MR. WARD: Object to the form.

25 THE WITNESS: Correct.

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1 BY MR. DUDLEY:

2 Q For the floor dancing -- what is an
3 entertainer typically paid for floor dancing?

4 A What do they pay?

5 Q By the customer, what are they paid?

6 A What do the customers pay the dancer?
7 \$10.

8 Q All right. And that can be in cash or
9 Cheetah Bucks, again, right?

10 A Yes.

11 Q And that's something that is done at the
12 table, on the table, around the table -- would you
13 agree with that?

14 A Yes.

15 Q All right. And again, that money is
16 handed directly from the customer to the dancer,
17 right?

18 A Yes.

19 Q And they could be paid in cash or Cheetah
20 Bucks for that service, right?

21 A Yes.

22 Q Is there any way to distinguish whether a
23 dancer receives a Cheetah Buck for table dancing as
24 opposed to stage dancing or VIP dancing?

25 A Is there any way to distinguish -- repeat

1 the question.

2 Q Is there any way to distinguish that the
3 entertainer earned that Cheetah Buck from table
4 dancing, as opposed to the other forms of dancing in
5 the club?

6 A There's transaction numbers on the Cheetah
7 Buck. I don't think there's a reason it would matter
8 where they made the Cheetah Buck at.

9 Q But the transaction -- well, answer my
10 question. Can you distinguish whether that came --

11 A I can't, no. I've never tried.

12 Q Can anybody distinguish whether that comes
13 from floor dancing?

14 A I guess the transaction on the Cheetah
15 Buck.

16 Q Well, all that's going to tell you is who
17 purchased it, right?

18 A Yeah, but they know if they delivered it
19 to a VIP room or if they delivered it to what section
20 of the club they were at. If they were at Table 90,
21 then it was for dances. If it was VIP 9, it was for a
22 VIP.

23 Q But you don't know where the customer
24 spent it. All you know is the --

25 A True, true.

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1 Q The VIP dancing is done back in the VIP
2 rooms; is that correct?

3 A Yes.

4 Q All right. And --

5 A And on the main floor. The Mezzanine,
6 Chefs Table and Den are considered VIP.

7 Q What is the compensation paid to an
8 entertainer for VIP dancing?

9 A \$10 a dance. It's the same.

10 Q No, I'm talking about VIP dancing.

11 A They can do a dance in VIP for \$10. 150 a
12 half hour, 300 whole hour.

13 Q All right. So you're saying --

14 A And that's after -- it went up \$50 years
15 and years ago, and I don't know the exact date on
16 that, but they used to get paid 250 for a hour. I
17 haven't thought of that in a long time.

18 Q Well, I'm talking about VIP dancing, other
19 than floor dancing, okay. What is the compensation
20 for that?

21 A 150 for a half hour and 300 for a whole
22 hour, and I don't know what year that started.

23 Q All right. And, again, the customer can
24 pay the dancer in cash or Cheetah Bucks for that
25 service?

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1 A Correct.

2 Q And the customer could also tip the dancer
3 in either cash or Cheetah Bucks, too, right?

4 A Correct.

5 Q And a customer can tip anywhere on the
6 floor with Cheetah Bucks, too, correct?

7 A He can give it to his friends, he can take
8 it home with him. It's his money.

9 Q And the VIP receipts that -- or income
10 that an entertainer receives -- the customer pays her
11 in cash, if it's a cash transaction, or gives her
12 Cheetah Bucks, if it's a Cheetah Buck transaction,
13 right?

14 A If it's a Cheetah Buck transaction, the
15 customer --

16 Q Gives the entertainer Cheetah Bucks --
17 \$300 worth of Cheetah Bucks for an hour, right?

18 A Yes.

19 Q And then at the end of the shift the
20 entertainer takes the Cheetah Bucks to the Cheetah
21 Buck girl or --

22 A The booth.

23 Q -- station, or whatever it is, and cashes
24 it in?

25 A Yes.

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1 Q And, again, there's no way to show how the
2 entertainer earned that Cheetah Buck, correct?

3 A I don't think there's a reason.

4 Q Just answer the question. That's all I
5 want you to do. It's not important that you
6 understand why I'm asking it.

7 A Okay.

8 Q Can you answer the question?

9 A The question is: Is there any way to
10 track?

11 MR. DUDLEY: Could you read the question
12 back, please.

13
14 (The appropriate question was read back by
15 the court reporter as follows:

16
17 QUESTION: And, again, there's no way to
18 show how the entertainer earned that Cheetah
19 Buck, correct?")

20
21 THE WITNESS: I think I have answered
22 this. There's a transaction number on the back,
23 so there is a way to show that she made it --
24 whether -- if it was \$300 for a room, the
25 transaction number would show, you know --

1 BY MR. DUDLEY:

2 Q Show what?

3 A The transaction would say, hey, this is
4 the transaction number. They keep track -- the
5 Cheetah Buck girls keep track of -- for chargeback
6 purposes, the Cheetah Buck girls do keep track of who
7 is buying how much and where they're sitting.

8 Q But you can't trace that to a particular
9 Cheetah Buck. If there's a hundred dollar Cheetah
10 Buck, it has a serial number on it, right?

11 A Yes, a transaction number.

12 Q Transaction number. And all you can tell
13 from that is that the customer bought it --

14 A And then what the girl cashes it in --

15 Q -- and the girl redeemed it, correct?

16 A Yes.

17 Q You can't tell whether she got it from VIP
18 dancing or table dancing or floor dancing or stage
19 dancing -- any of these other activities?

20 MR. WARD: Object to the form.

21 THE WITNESS: It's usually very simple.

22 If you're in VIP --

23 BY MR. DUDLEY:

24 Q Can you answer that question, then you can
25 explain?

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1 Could you read it back, please?

2 A Different circumstances -- if it's in a
3 VIP, and the girl did five hours.

4 Q Hold on. She's going to --

5 MR. DUDLEY: Can you read the question
6 back to her, and you answer it, and if you want
7 to explain it, that's fine, but I need an answer
8 to the question.

9 THE WITNESS: Okay.

10
11 (The appropriate question was read back by
12 the court reporter as follows:

13
14 QUESTION: You can't tell whether she got it
15 from VIP dancing or table dancing or floor
16 dancing or stage dancing -- any of these
17 other activities?")

18
19 THE WITNESS: I have never tried to
20 determine where they have made it, I guess, is
21 the answer to that question.

22 BY MR. DUDLEY:

23 Q If you don't know that, you can say that.

24 A Yeah, I've never -- I don't care where
25 they --

1 Q I'm not asking you whether you care. I'm
2 asking you whether you know.

3 A Okay.

4 Q Answer that, or tell me you don't know the
5 answer to that.

6 A I don't know.

7 Q Okay. Thank you.

8 MS. KOLLAS: And I don't want to interrupt
9 your flow, but I would love a break whenever you
10 are kind of at a natural comma.

11 MR. DUDLEY: That's fine. We can do that
12 right now.

13 (Short break from 11:26 a.m. to 11:36 a.m.)

14 BY MR. DUDLEY:

15 Q Other than after April the 9th, 2016, when
16 Cheetah started paying \$2.13 an hour, you're not aware
17 of any compensation that's paid by Cheetah to the
18 entertainer, correct?

19 MR. WARD: Object to the form.

20 THE WITNESS: Correct. I guess you would
21 have to ask The Cheetah that.

22 BY MR. DUDLEY:

23 Q Well, as the house mom for the
24 entertainers, you're well aware how entertainers are
25 paid, are you not?

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1 MR. WARD: Object to the form.

2 THE WITNESS: Yes, they get paid in their
3 garter or in their hand.

4 BY MR. DUDLEY:

5 Q You know where their sources of income
6 are. That's not something Cheetah has to answer for
7 me, is it?

8 A Well, when you're saying "Cheetah," who do
9 you mean?

10 Q We can go back over this again with you,
11 but you've testified to their sources of income and
12 you're perfectly capable to testify --

13 A When you're saying The Cheetah is a
14 business --

15 Q Let me finish my question.

16 A Okay.

17 Q You're perfectly capable of testifying to
18 their sources of income and who pays them, right?

19 MR. WARD: Object to the form.

20 THE WITNESS: I can testify for who tips
21 the dancers.

22 MR. DUDLEY: Could you read my question
23 back, please?

24

25 (The appropriate question was read back by

1 the court reporter as follows:

2
3 QUESTION: You know where their sources of
4 income are. That's not something Cheetah
5 has to answer for me, is it?")
6

7 THE WITNESS: But The Cheetah is not a
8 person. If you're saying The Cheetah writes a
9 check, I wouldn't know that.

10 MR. WARD: And, for the record, she's not
11 a 30(b)(6) on that issue.

12 MR. DUDLEY: Thank you, Kevin, for that
13 tidbit.

14 MR. WARD: Excuse me?

15 MR. DUDLEY: I said thank you for that
16 tidbit. I understand she's not. We can
17 stipulate to that, if you'd like to.

18 MR. WARD: Whatever.

19 BY MR. DUDLEY:

20 Q Can you tell me what the average gross
21 income a dancer makes a -- any dancer makes a
22 particular shift?

23 A What dancer?

24 Q Well, can you testify as to what some earn
25 per shift?

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1 A I can't. I can answer -- it depends on
2 the night.

3 Q Tell me how you know that.

4 A I keep track of their hourlies only.

5 Q Okay. So you keep track of hourlies only.
6 What does that mean?

7 A If they make a table dance or stage money,
8 I don't keep up with that. But I keep up who's in
9 VIPs, so if they miss their stage set I would know
10 they were in VIP.

11 Q All right. You're confusing me.

12 A Okay.

13 Q You keep track of their hourlies only.
14 Tell me what "hourlies only" means.

15 A You go on rotation. There's red, yellow,
16 green, blue, four songs on each set.

17 Q You're talking about stage dancing now?

18 A Stage dancing.

19 Q Is that hourly?

20 A No, that's stage dancing.

21 Q All right. Let's talk about --

22 MS. KOLLAS: She's trying to answer your
23 question.

24 THE WITNESS: I'm trying, you've just got
25 to give me a minute, because I'm not as fast as

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1 your brain.

2 When they're checked in -- let's say
3 you're on yellow set tonight. If you don't show
4 up to stage, you either have to be in VIP; so
5 they would say, hey, do you have Dudley in VIP,
6 and I would say, yes, he is in VIP, or I would
7 have to go look for you like a big adult game of
8 hide and seek.

9 BY MR. DUDLEY:

10 Q I don't understand your answer, but let me
11 -- are you saying that you keep track of how many
12 hours an entertainer is in VIP?

13 A I do. So they're not responsible for
14 their stage set, if they're in VIP.

15 Q I'm not asking you why, just --

16 A Okay.

17 Q I want to know what you keep records of.

18 A I keep track of when they're in VIP.

19 Q And that's the only records you keep of an
20 entertainer's earnings, right?

21 MR. WARD: Object to the form.

22 THE WITNESS: That is the only record I
23 keep is their hourlies and what stage set
24 they're on.

25 BY MR. DUDLEY:

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1 Q All right. So where are these hourly
2 records?

3 A Right here (indicating).

4 Q That is one hourly record. Tell me --

5 A Yes.

6 Q -- where the hourly records are.

7 A I keep them in my locker.

8 Q All right. So you keep an hourly record
9 of every hour an entertainer is in a VIP room; is that
10 correct?

11 A Correct.

12 Q And you have done that for how long?

13 A Since 1998.

14 Q Okay. Is there -- has anyone ever asked
15 you to produce those records?

16 A Jack. I gave Jack -- in 2016, April 9th,
17 I gave him those records, and I gave -- I didn't
18 give -- Sam got these out of my locker --

19 MS. KOLLAS: Can I ask a question? When
20 you say "produced," do you mean the legal
21 version of produced or somebody asked to see her
22 records? I'm sorry.

23 MR. DUDLEY: Let me reask it. That wasn't
24 clear.

25 BY MR. DUDLEY:

1 Q Okay. You keep -- you, personally, and
2 other house moms --

3 A Yes.

4 Q -- keep records of the number of hours
5 each entertainer is in a VIP room, correct?

6 A Yes.

7 Q And you've been doing this for how many
8 years?

9 A 1998. When I started house mom.

10 Q 1998?

11 A 1999, yes. This is how I was --

12 Q Since 1998 or 1999.

13 Do other house moms do that, too, or are
14 you the only one?

15 A Yes.

16 Q So every house mom keeps records for the
17 amount of time an entertainer is in VIP, and they've
18 been doing that since 1998 or 1999?

19 A I have. I don't know if they have. We're
20 not responsible to keep these. I just don't throw
21 anything away.

22 Q Okay.

23 MS. KOLLAS: That's true.

24 BY MR. DUDLEY:

25 Q And why do you keep the records?

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1 A Just -- I don't throw anything away. If
2 you look in my locker, I don't throw anything away.

3 Q Well, let me reask. Why do you maintain
4 the records? Why do you record it in the first place?

5 A Because when they're missing their stage
6 sets, I have to know that. That is my job.

7 Q All right.

8 A So, for example, Nadia was checked in from
9 8:30 to 10:30. She got paid for two hours. That, I
10 would know. And she did not go to stage between 8:30
11 and 10:30 on January 5th.

12 Q All right. One of the reasons you keep it
13 is to tell when somebody misses a stage set, correct?

14 A Correct.

15 Q All right. Another reason you keep it is
16 to determine the VIP check-in fees, right?

17 A Before April 9th, 2016? Yes.

18 Q The other reason you keep it is so you'll
19 know what dancers earned -- or a rough idea of what
20 dancers earned in VIP, correct?

21 MR. WARD: Object to the form.

22 THE WITNESS: No, it's -- the main reason
23 I keep track of it is if they're missing their
24 set.

25 BY MR. DUDLEY:

1 Q You don't base your tip partially on what
2 a dancer earns in VIP?

3 A They don't have to tip me, no.

4 Q You don't?

5 A No, I don't.

6 Q You don't tell a girl that you knew, for
7 example, she made a thousand dollars that night, and
8 you expect a larger tip because of that? You don't do
9 that?

10 A No.

11 Q And DJ -- isn't the DJ paid based upon a
12 percentage of what an entertainer earns?

13 A That has nothing to do with me.

14 Q Don't you have to know what they earn in
15 order to know what the 10 percent is?

16 A It's their word.

17 Q Is it?

18 A It is.

19 Q Why do you keep records of it, then?

20 MR. WARD: Object to the form.

21 THE WITNESS: Because it's if they miss
22 their set or not.

23 BY MR. DUDLEY:

24 Q And the reason why you want to know if
25 they miss a stage set is so you can fine them?

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1 A No.

2 Q Are they fined for missing a stage set?

3 A Are you talking --

4 Q Are entertainers fined for missing stage
5 sets?

6 A After April 9th?

7 Q Before April the 9th, 2016.

8 A Very few were fined for missing their set.

9 Q What about after April the 9th, 2016?

10 A No.

11 Q Stopped -- why did Cheetah stop fining
12 people after April the 9th, 2016?

13 A Very few ever paid a missed set, like just
14 for --

15 Q Why did they stop fining?

16 A Because it was very little. If you see on
17 my sheet, there's no missed set -- this was in 2015,
18 there was no missed set fee that night. And if you go
19 back and look at all the records -- I don't know if
20 you have all of them, Kevin.

21 MR. WARD: I don't know what I have.

22 BY MR. DUDLEY:

23 Q It's your testimony that Cheetah stopped
24 fining for missing stage sets, because it was very
25 little money? That's the reason why they stopped?

1 A No, that's not what I said. I don't know
2 why.

3 Q Okay. Is there any other reason why you
4 and other house moms kept records of time spent in the
5 VIP room?

6 A To know where they were, and also for
7 chargeback reasons. That's probably the main reason I
8 didn't throw them away for a long time.

9 If Nadia's customer, right here, just for
10 the example -- she was on Stage Blue 2 in the E-Room
11 for two hours. The transaction number would be linked
12 to her, because if her customer charged back, we would
13 know it was Nadia for her VIP, if it was a chargeback.

14 Q Okay. You have given these records to
15 whom? Who did you give the records to?

16 A I don't know who got them out of my
17 locker. Somebody got them out of my locker about a
18 week ago.

19 Q And they're records of how long, going
20 back how long?

21 A I would say this one is dated January
22 2015, so I don't know how far back these go.

23 MS. KOLLAS: If you don't know just say --

24 THE WITNESS: I don't know. I would
25 assume that far back.

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1 BY MR. DUDLEY:

2 Q How far back were they in your locker?

3 A I don't throw anything away.

4 Q So they're there since 1998?

5 A I've had this locker since --

6 MR. WARD: I can answer. She doesn't
7 know, but --

8 MR. DUDLEY: I don't want you to answer.

9 MR. WARD: I will give you the documents,
10 whatever we've got.

11 MR. DUDLEY: I would love that. I've been
12 asking for these things for five years. It
13 would be very nice to get them, it really would.

14 MR. WARD: Well, we will be very nice and
15 get them to you.

16 BY MR. DUDLEY:

17 Q So, as far as you know, as long as you've
18 kept records, they're in your locker. And somebody
19 took them out, you don't know who took them out --

20 A Last week, yeah. When I came in they were
21 gone, and I went, my locker is clean.

22 Q Has anybody at The Cheetah, Jack --

23 A I'm assuming --

24 Q Let me finish my question.

25 Has anybody at The Cheetah tried to get

1 these documents from you before this past week?

2 A I gave them to Jack about two years ago.

3 Q All right. So Jack has had them for at
4 least two years?

5 A Two or three. My years run together.

6 Q And do you know why Jack got them from you
7 two or three years ago?

8 A Because my locker was full. I asked him
9 what he wanted me to do with them. I don't even know
10 if he knew what they were. I said, do you want me to
11 shred these, because I don't throw anything away, and
12 I don't want to shred anything at my desk.

13 Q Do you know Cara Becker?

14 A What did she dance by.

15 Q Katera?

16 A Yes.

17 Q Do you know what she grossed on any
18 particular shift?

19 A Well, what years did she work at the club?

20 Q I can't tell you that. Not because I'm
21 being difficult. I don't know.

22 A She didn't work this night, so this is the
23 only -- I would not remember, no.

24 Q But if she did work on a year that you
25 maintained records, the records would just show me how

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1 long she was in VIP, right?

2 A Correct.

3 Q It's not going to show me her gross for
4 the night, correct?

5 A She wasn't a big VIP girl, off the top of
6 my head, but she worked a long time. Kind of the
7 underdog. I loved Katera, She had a lot of kids.

8 Q Yeah.

9 A Loved her though.

10 Q So your records may show the amount of
11 time she was in VIP?

12 A (Nods head.)

13 Q Would it also show the number of VIP
14 check-ins she had?

15 A It's the same thing, yes. If she checked
16 in, it would be on these sheets.

17 Q Well, as I understand it, you pay a \$10
18 fee if it's 30 minutes or an hour, or -- and then it
19 rolls over -- you pay at least \$10 an hour. So, is
20 that going to be on there? Does it have the number of
21 check-ins?

22 A It does. See? Like, Monique checked in
23 for three hours. I'm not sure if you know who Monique
24 is -- Ms. Valente. She did three hours. She had a
25 champagne credit for two of them, and one of them she

1 did not, so she paid \$10 that night. That was the
2 only fee she paid. She was okay on the late fee, so
3 she did not pay late fees, kind of her seniority, and
4 she paid \$10 -- she made 900.

5 Q Show me where that is, again.

6 A Very bottom, she was on Blue 4.

7 Q On Document 519?

8 A Yes, yes, that's it. And if this helps
9 you -- because you've probably never been to The
10 Cheetah -- red, yellow, green, blue.

11 Q All right. I'm going to get into these
12 documents with you, but for purposes of the VIP
13 check-in, tell me where I find that per person.

14 A It's on back here. Monique was on Blue 4
15 in the E-Room at 10:00. Abby was also with her at
16 10:00. They had a champagne credit. They did two
17 hours. You see them on this third page, Monique and
18 Abby.

19 Q Well, all I see is an "in" at 10:01, and I
20 see no "out." I see no "O." I see no "paid." So how
21 do I tell how many --

22 A See this "C?" This is just my notes. I
23 don't have to turn this in. This isn't an official --
24 the "C" stands for champagne credit.

25 Q Okay.

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1 A So that night they had champagne credits.
2 Usually -- like Nella checked in the Den. If there is
3 nothing here, they had a champagne credit.

4 Q Let's go back to Monique and Abby?

5 A Okay.

6 Q It shows them checking in at 10:01. When
7 did those two check out?

8 A On this sheet, two hours. Champagne
9 credit for two hours.

10 Q On which --

11 A Right here, Blue 4.

12 Q I'm going to come to that, but let's stick
13 to the Document 520. I want to make sure I understand
14 how these documents are interrelated.

15 A Uh-huh.

16 Q You've got Monique and Abby. Up at the
17 top it says C-I-R. What does that mean?

18 A I don't know where you're at.

19 Q Document 520, the one right in front of
20 you.

21 A What is C-R?

22 MS. KOLLAS: He's asking what these
23 initials stand for.

24 THE WITNESS: Oh. Set -- I don't know why
25 it says C-I-R, but that's the set they're on.

1 Blue 2, Blue 3, Red 4 -- that's what stage
2 they're on, so I can find them.

3 BY MR. DUDLEY:

4 Q That's the stage rotation?

5 A Stage. I don't know why it doesn't say
6 set. Nobody has ever asked me that. The room is
7 which room they're in. If they're in the E-Room or
8 the Loft or in VIP.

9 MS. KOLLAS: Is that C-I-R or C-L-R for
10 color?

11 THE WITNESS: Color. You're so smart.

12 MR. DUDLEY: All right. That would make
13 sense.

14 BY MR. DUDLEY:

15 Q All right. So the "in" time is when they
16 check in to VIP?

17 A Yes.

18 Q And tell me how you come up with that
19 figure, that time.

20 A Over the radio. Whoever is at -- like, if
21 Nadia checked in the E-Room, whoever was at the host
22 stand that night would say, Nadia is checking in at
23 8:30, and I would write it down. And then the girls
24 that don't check back on --

25 Q Hold on a second.

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1 So there's a -- is a floorman doing this
2 or a hostess?

3 A It can be a floorman. It can be a
4 waitress. Whoever has the radio. It could be
5 Heather, could be Vanessa -- there's a lot of people.
6 Anybody with a radio can check in.

7 Q And that's somebody who is at the VIP
8 hostess stand?

9 A Or in the Mezzanine, Chefs Table, dining
10 room. You cannot check in at the bar or Tables 40
11 through 90. Anything in the pit you can't check in.

12 Q All right. So somebody calls you and says
13 Monique and Abby are going into Room E at 10:01?

14 A Yes.

15 Q And then does somebody call and tell
16 you when they --

17 A They're supposed to, but see that night
18 they did not.

19 Q Let me finish. I'm not trying to be rude,
20 here, but she's got to take this down, so it will be
21 incomplete.

22 A Yes.

23 Q And then somebody would call you and tell
24 you when they're leaving the room, right?

25 A In a perfect world, yes.

1 Q That's the way it's supposed to work?

2 A Supposed to work.

3 Q It doesn't always work that way?

4 A (Shakes head.)

5 Q Didn't work that way on this occasion?

6 A Some people don't follow the rules.

7 Q True.

8 The next thing says "O." What does that
9 mean?

10 A Out. Is that what you mean? Oh, "O,"
11 that means they would pay 20 for their check-in in
12 that case.

13 Q And so that would be a way to tell how
14 many check-ins there were?

15 A (Nods head.)

16 Q How do you do it when you don't have
17 anything -- like Monique and Abby -- and you don't
18 have a time out?

19 A It's a champagne credit.

20 Q Does that mean it doesn't matter or what
21 does that mean?

22 A That means that the champagne credit --
23 and this is the sheet you can go back and see. They
24 had a champagne credit --

25 Q Does that mean they didn't have to pay

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1 anything for their VIP check in?

2 A Correct.

3 Q But it also doesn't tell you when they
4 left, does it?

5 A They might have even done to the rest of
6 the night. They very rarely went to the stage, so
7 nobody called them for missing their stage, and that's
8 when I would go look for them.

9 But right here, Abby had three check-ins
10 that night, so I'm assuming they did three hours, and
11 Abby did -- three champagne -- one bottle of champagne
12 would waive for three hours, so she paid nothing and
13 she was okay late, because she drove far.

14 Q What are the pluses to the left of the
15 names?

16 A That's a check in.

17 Q All right.

18 A Used to be it was \$5 for a half and \$10
19 for a whole hour, if they didn't sell a bottle of
20 champagne. And at one time if you just checked into a
21 room it waived your fee, like if you were at Table
22 600.

23 Q What's the number on the far right?

24 A That was what they paid. Shy paid \$10,
25 Candy paid \$10. I don't know if you want me to jump

1 ahead, but one, two, three, four girls paid a late fee
2 that night.

3 MR. WARD: Let him ask questions.

4 THE WITNESS: Okay.

5 BY MR. DUDLEY:

6 Q How can you tell that?

7 A Because I figured that would be your next
8 question. Where it says 35.

9 Q Well, that could be a missed stage fee,
10 couldn't it?

11 A No, it could not, because there's a pink
12 highlighter.

13 Q So the pink --

14 A Means a late fee.

15 Q All right. So where there's pink there's
16 a late fee?

17 A Yes, that 35.

18 Q What does J&B mean?

19 A That's a good question. I don't know what
20 T&B -- I don't know. It's a good question. I don't
21 know what "T" is either. Was that on that sheet? I
22 don't know.

23 Q All right. So, let's go back to
24 entertainer's gross income. You understand that I
25 represent probably about 110 former or current

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1 entertainers in arbitration or in a collective action
2 lawsuit?

3 Do you understand that?

4 A Yes, they told me last week.

5 Q Well, you've known about these lawsuits
6 for a long time, have you not?

7 A Some.

8 Q And you were aware that the first lawsuit
9 was brought back in 2013, were you not?

10 A Yes, but they don't tell us who --

11 Q Who they are?

12 A Uh-huh.

13 Q I think what you're trying to tell me is
14 that for each of those entertainers I can go to your
15 records, and you can tell me how much they earned or
16 should have earned in VIP if they were paid \$300 an
17 hour, right?

18 A Yes. Off these sheets, I can tell you.
19 Not all of them are on here, but most of the hourlies
20 are on here.

21 Q Okay. You can't tell me what their gross
22 was?

23 A No, I cannot.

24 Q You can't tell me what their tips were?

25 A No.

1 Q You can't tell me whether they were paid
2 in credit card or cash, right?

3 A No.

4 Q And you've understood, since these cases
5 were initiated, that part of the damages the
6 entertainers were asking for here was to be reimbursed
7 for VIP check-in fees.

8 You understand that, don't you?

9 A I found that out last week. What day was
10 that? Monday.

11 Q That's the first time you've ever
12 discovered that that was part of the claim?

13 A Yes.

14 Q What did you think it was before then?

15 MR. WARD: Object to the form.

16 THE WITNESS: What did I think the cases
17 were?

18 BY MR. DUDLEY:

19 Q What did you think the entertainers were
20 asking for, before you discovered that fact?

21 A They wanted to be labeled as employees is
22 what I thought this whole thing was about.

23 Q What were they asking for in damages?

24 MR. WARD: Object to the form.

25 THE WITNESS: I don't know. I don't know.

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1 BY MR. DUDLEY:

2 Q Okay.

3 A You can add I heard on the news. I don't
4 know, yeah.

5 Q But I do want to be clear about this:
6 Until last week -- you've never had a conversation
7 with Jack or Bob Johnson or anyone else in management,
8 whether you had any records of VIP check-ins? Nobody
9 has asked you that until last week?

10 A They didn't ask me that last week.

11 Q So to this day, no one has asked you
12 whether you had any records for VIP check-in fees?

13 MR. WARD: Object to the form. Don't
14 answer about privileged communications.

15 THE WITNESS: Yeah.

16 BY MR. DUDLEY:

17 Q First of all, I was talking about Jack and
18 Bob, in management. I'm not talking about any
19 privileged communications with your attorney or this
20 fellow here, so it's not privileged.

21 A Okay.

22 Q So, can you answer that question?

23 A If I had conversations with Bob or Jack --

24 Q Have they ever asked you whether you had
25 any records of the time spent by an entertainer in

1 VIP, the amount of check-in fees they paid, the late
2 fees they paid, any missed stage fees, anything like
3 that?

4 MR. WARD: And just to be clear --

5 MR. DUDLEY: Kevin, if you want to object
6 to the question --

7 MR. WARD: I'm going to make a privilege
8 comment. If there was a meeting with Jack and
9 lawyers, that would be privileged.

10 MR. DUDLEY: I disagree with you, but --

11 MR. WARD: Well, we'll take that one up
12 with the judge.

13 BY MR. DUDLEY:

14 Q But can you answer the question?

15 A I think I asked: Would these help? You
16 know what I mean?

17 Q Asked Jack?

18 A No, to Bob. Like, I have all my records
19 in my locker. I don't throw anything away. I think,
20 to Bob, I might have said, would that help, and he's
21 like -- I don't think Bob -- you know, and I think, if
22 you want my opinion --

23 MS. KOLLAS: No, answer the question.

24 THE WITNESS: Yeah, so --

25 BY MR. DUDLEY:

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1 Q Do you have an opinion?

2 A I think that these are helpful.

3 Q I would say that if somebody is asking to
4 be reimbursed for VIP check-in fees, they're helpful,
5 are they not?

6 A Yeah.

7 Q Would you agree with the statement that
8 some entertainers spend a lot of time in VIP and some
9 do not?

10 A Do I agree with you?

11 Q With that statement.

12 A Would it be a true statement?

13 Q Yes.

14 A True.

15 Q Some entertainers make most of their money
16 in VIP; others do not, right?

17 A I didn't hear the question.

18 Q Some entertainers spend most of the time
19 in VIP. Would you agree with that?

20 A Some, yes.

21 Q And some do not make much money from VIP,
22 correct?

23 A Correct.

24 Q We just kind of covered this, but I want
25 to ask you about the VIP check-in procedure, as I

1 understand it -- as you have helped me today,
2 understand it. That when an entertainer checks into
3 VIP, the floorman or the hostess, whoever is checking
4 her in, calls you and tells you so-and-so is in VIP.
5 And then the way it's supposed to work is they'll call
6 you when that person finishes VIP or renews -- has
7 another check in.

8 How does that work?

9 A Yeah, that's sometimes how I find they're
10 back on rotation is when they check into another room,
11 because you can't be checked in to two places at the
12 same time.

13 Q But the way it's supposed to work is every
14 time there's a check-in, you're supposed to be
15 notified?

16 A Yes.

17 Q And then when it's over with, you're
18 called and notified, correct?

19 A Supposed to be, yes.

20 Q Now, on the shifts you work, are you the
21 one that handles that?

22 A Yes. The exception is if Vanessa and I
23 are both there together. I usually am on the floor on
24 Saturday nights, so Vanessa would do this.

25 Q All right.

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1 A So there are exceptions that I am on the
2 floor some. The desk mom does this, to clarify.

3 Q Okay.

4 A And everybody's notes are a little
5 different, so my sheet is a little different, you
6 know, because I can --

7 Q Let me ask about that, rather than you
8 telling me.

9 A Yeah.

10 Q That is your handwriting on the one we're
11 looking at?

12 A This is my handwriting.

13 Q If you go to the first page of that
14 Document 518, can you tell me what that document is?

15 A A check-out sheet that's really for a
16 waitress or bartender.

17 (Plaintiff's Exhibit 1 marked for
18 identification.)

19 BY MR. DUDLEY:

20 Q Why don't we mark this as an exhibit.
21 We've marked that as Exhibit 1. Can you tell me what
22 the first page Bates Stamp 518 is?

23 A Can I tell you what?

24 Q What that is, that first page?

25 A It's a -- I made it my check-out sheet.

1 You can see it's really meant for a bartender or
2 waitress, but I wrote off to the side, two girls
3 tanned, that was \$10.

4 Q Tell me what the document is.

5 A It's a waitress or bartender check-out
6 front door. This is what our staff uses for their
7 check-out sheet.

8 Q When you say "check-out sheet," you're
9 talking about leaving at the end of your shift?

10 A You turn this in to Cheetah Bucks when you
11 leave. The waitress and bartender fill one of these
12 out and turn it in to Cheetah Bucks, so I just made
13 the sheet my own.

14 Q So is this a Cheetah Buck check-out sheet?

15 A If you want to call it that. That's where
16 I take it, Cheetah Bucks.

17 Q But it's used for purposes of redeeming
18 Cheetah Bucks?

19 A No. It is a check-out form for bartenders
20 or waitresses, but you see I used it for -- I marked
21 through where it says, house tab, manager tab, spills.

22 Q All right. Let's go through it. The top
23 of document, you have your name, Holly Wood, on there?

24 A Yes.

25 Q And then it has employee number. What is

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1 that?

2 A 2023.

3 Q Who is that?

4 A That's me.

5 Q And does everybody have an employee
6 number?

7 A Yes.

8 Q Do entertainers have an employee number?

9 A After April 9th.

10 Q Before that they didn't?

11 A Correct.

12 Q What's the next thing?

13 A It looks like January 5th, 2012.

14 Q Why is that information on there?

15 A Just so we know it's night shift. That
16 would say shift and -- just to tell the day.

17 Q All right. And then there's some credit
18 card information there, which is blank on this
19 document. What is the rest?

20 A It says tanning, \$10.

21 Q And did you tan?

22 A No, no. That means two girls gave me \$5
23 each to tan. We have a tanning bed, and we sell
24 tokens for \$5. They could tan if they wanted to.

25 Q And then what's the next thing, manager

1 tabs?

2 A It says late. I crossed through that, but
3 this is a copy.

4 Q So what does the 430 represent?

5 A \$430.

6 Q What does that mean?

7 A Late fees.

8 Q Late fees for what?

9 A On this sheet, the one in pink is 35, and
10 if you see off on the side, the yellow dot is a \$25
11 late fee. So if you got there after -- I think it was
12 9:00, it was 25. After 9:30 it was 35.

13 Q All right. So that \$430 is what you
14 contend were entertainers paying in late fees that
15 shift?

16 A That is every late fee paid.

17 Q All right. And what about the next one
18 that says spills?

19 A It says VIP, off to the left, and it says
20 \$310 -- or 370, actually, that's a seven.

21 Q And tell me what that is.

22 A The girls that were checked in to VIP that
23 did not have a champagne credit.

24 Q Those are VIP check-in fees?

25 A Correct.

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1 Q And then the total is 810 for those items
2 for this shift; is that correct?

3 A Yes.

4 Q So I think what you're trying to tell me
5 is you just used some form to write down the amounts
6 for tip outs and late fees -- I'm sorry, for late
7 fees, VIP check-in fees, and tanning, for some reason.
8 I don't quite understand that. Maybe you can explain
9 that to me.

10 A We own the tanning beds, so I don't get to
11 keep the tanning money. I have to put it somewhere,
12 so I put it on this sheet, rather than having a
13 separate sheet.

14 Q So the girls pay you five, and then you
15 have to give that to somebody?

16 A I turned it in to Cheetah Bucks.

17 Q Why is the Cheetah Buck girl getting the
18 \$10 tanning fee?

19 A Well, I just take this to Cheetah Bucks.
20 That's where everybody takes their check-outs, to
21 Cheetah Bucks.

22 Q What are the numbers under that, 400, 100?

23 A Just saying, for accounting purposes,
24 where it says ones, there was, looks like, 700 in
25 ones, a hundred in fives, and one \$10 bill. Just to

1 make it easy. But there was --

2 Q All right. And let me make sure I'm
3 correct about this. This is a document that you fill
4 out per shift when you're there. You give this to
5 Jack Braglia, don't you?

6 MR. WARD: Object to the form.

7 THE WITNESS: No. I give it to Cheetah
8 Bucks.

9 BY MR. DUDLEY:

10 Q Jack Braglia says that every morning you
11 give him an envelope with cash in it, and --

12 A I'm not there in the morning.

13 Q So, do you give an envelope to the Cheetah
14 Buck girls?

15 A Yes. I give it to the Cheetah Bucks.

16 Q So he's incorrect when he says that you
17 give him an envelope in the morning -- you prepare the
18 envelope, put this form in there, with the cash, give
19 it to the Cheetah Buck girls, Cheetah Buck girls give
20 it to him; is that right?

21 A I don't know who gives it to him. Yeah, I
22 give it to Cheetah Bucks.

23 Q All right. Who tells you to give this to
24 Cheetah Bucks?

25 A 1998, the first time I house-mommed, I

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1 took a form like this to Cheetah Bucks.

2 Q You understood that this money was going
3 to Jack, did you not?

4 A I don't know where it goes. I give it to
5 Cheetah Bucks.

6 Q Well, Jack testified that you put in an
7 envelope, the late fees, the VIP check-in fees, the
8 missed stage fees and tell him how much it is, put it
9 in an envelope, give him the envelope.

10 What I understand here is everything is
11 true except you give it to the Cheetah Buck girls and
12 the Cheetah Buck girls give it to him?

13 MR. WARD: Object to the form.

14 BY MR. DUDLEY:

15 Q Is that correct?

16 A I give it to Cheetah Bucks.

17 Q Okay. So you don't know where it goes
18 after that?

19 A I'm assuming in the safe, and then they
20 give it to Jack.

21 Q Okay. So when Jack says that you write
22 down the amounts, this would be the form you're
23 talking about?

24 MR. WARD: Object to the form.

25 BY MR. DUDLEY:

1 Q -- or he would be talking about, correct?

2 A You'd have to ask Cheetah Bucks. I give
3 this to Cheetah Bucks.

4 Q I just want to find out how you collect
5 it, how he gets it. He's already testified --

6 MS. KOLLAS: And I'm going to just
7 interject she's answered it, I think, four
8 times. The record will show, but I think she's
9 answered it.

10 BY MR. DUDLEY:

11 Q But this is the only document that you
12 prepared that shows the amounts of the late fees,
13 missed stage fees, check-in fees, other than these --
14 Exhibit 1, right?

15 A And these two are from just my personal --
16 what I was trying to say earlier is Vanessa's might
17 look a little bit different than mine, Heather's
18 Carina's, Rose, Babs, I can name probably 10 people
19 that keep up with these. This is for my eyes only. I
20 never -- this is just for me. This is my copy, you
21 know. This is my personal --

22 Q But it's put in the envelope?

23 MR. WARD: Object to the form.

24 THE WITNESS: I don't know. I give it to
25 them. I don't have an envelope.

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1 MS. KOLLAS: Are you asking if this piece
2 of yellow paper is put in the envelope?

3 MR. DUDLEY: Yes.

4 THE WITNESS: No, this yellow is an
5 original. That's my copy, I keep that.

6 BY MR. DUDLEY:

7 Q Okay. Well, what do you give the Cheetah
8 Buck girls along with the cash?

9 A This is what I kept in my locker.
10 Honestly, it's been a year -- or April 9th, 2016.
11 There's a white --

12 Q You did this for, what, seven, eight, nine
13 years?

14 A Yeah.

15 Q Every shift?

16 A Yeah. This is my copy.

17 Q Hold on. You can't tell me how this
18 worked?

19 A Yeah.

20 Q Well, please do.

21 A I walked to Cheetah Bucks, and I give them
22 this and the money. This (indicating) and the money
23 (indicating).

24 Q Okay. That's all I ask.

25 A Yeah.

1 Q So they get this and the money?

2 MR. CHAPMAN: Or the white copy.

3 THE WITNESS: There is a white copy. This
4 copy is mine (indicating). There is a top white
5 copy. When you said original --

6 MS. KOLLAS: I was trying to say this
7 yellow is the original. I know you have a copy
8 of it, but in the original documents --

9 MR. CHAPMAN: So there's a white copy
10 somewhere?

11 MS. KOLLAS: Correct. There's a white
12 carbon -- this is the carbon copy.

13 MR. CHAPMAN: Do you have that?

14 THE WITNESS: Yes, mine is the carbon
15 copy.

16 MR. CHAPMAN: Is that what Jack threw away
17 every day?

18 THE WITNESS: I don't know.

19 MS. KOLLAS: I'm sorry, I was trying to
20 help. I wasn't trying to disrupt your
21 questions.

22 MR. DUDLEY: That's all right.

23 MR. CHAPMAN: Just --

24 MR. DUDLEY: Mike, let's do this one at a
25 time. I want to have a clean record here, and

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1 we're already having four lawyers talking about
2 what documents mean. Let's stick to the
3 witness.

4 BY MR. DUDLEY:

5 Q You would agree with the statement that
6 most entertainers worked three scheduled shifts, would
7 you not?

8 A 75 percent probably do.

9 Q When entertainers are hired, they are told
10 by you, or whoever is hiring them, that they need to
11 give you three days to work; is that correct?

12 A We suggest that they work three nights.
13 Some girls work six nights.

14 Q Entertainers fill out a form indicating
15 what days they can work; is that correct?

16 A They fill out their availability.

17 Q All right. And then once that schedule is
18 decided with the house mom, they're expected to be
19 there on those days, right?

20 A Yes. They can request off.

21 (Plaintiff's Exhibit 2 marked for
22 identification.)

23 BY MR. DUDLEY:

24 Q You recognize this as being an Entertainer
25 Information Sheet that Cheetah utilizes?

1 A Yes.

2 MR. WARD: What are you marking this as?

3 Two?

4 MR. DUDLEY: Two, yeah.

5 MR. WARD: So you're starting over each
6 deposition?

7 MR. DUDLEY: Yeah.

8 BY MR. DUDLEY:

9 Q And you would agree that part or one of
10 the purposes of having this form is to identify the
11 entertainer's schedule?

12 A Yes.

13 Q And if I look halfway down the line, for
14 example, with Katie she's scheduled for Monday,
15 Wednesday, Friday and Saturday; is that correct?

16 A Yeah, she picked those. She picked four.
17 See, she picked extra.

18 Q Each one of the entertainers will have one
19 of these sheets indicating their scheduled days,
20 correct?

21 A Uh-huh. And for the emergency contact --
22 for many reasons they fill this out. If in an
23 emergency I have to get ahold --

24 Q And if I wanted to find out what a
25 scheduled shift for a particular entertainer that I

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1 represent, I could look at her Entertainer Info Sheet
2 and determine that, correct?

3 MR. WARD: Object to the form.

4 THE WITNESS: (Nods head.)

5 BY MR. DUDLEY:

6 Q You nodded your head. Is that a yes or a
7 no?

8 A If you wanted to know her schedule?

9 Q Yes.

10 A I would have to look and see if that's
11 what she picked, but this is what they fill out their
12 first night. Sometimes they tweak it and change it.

13 Q I understand, but if they change it, they
14 do another Entertainer Info Form, do they not?

15 A No.

16 Q I will submit to you that in discovery
17 I've been provided, for some entertainers, several
18 copies indicating different schedules.

19 MR. WARD: Object to the form. It's not a
20 question.

21 MR. DUDLEY: It will be.

22 BY MR. DUDLEY:

23 Q Now, is it safe to say if there is more
24 than one Entertainer Information Sheet containing more
25 than one schedule, that that would indicate somebody's

1 schedule changed?

2 MR. WARD: Objection.

3 THE WITNESS: Yes.

4 BY MR. DUDLEY:

5 Q And entertainers were scheduled either
6 night shift or day shift, correct?

7 A Some worked both.

8 Q But they were scheduled either a night
9 shift or a day shift?

10 A Some did two days/one night, some did one
11 day/two nights, depending on their school schedule, if
12 they have children, if they took care of elderly
13 parents, how far they drove. Some girls would want a
14 lump. If they drove six hours, they would want to
15 work two doubles.

16 Q I understand that, but let me ask you
17 again: They were scheduled for either a day shift or
18 a night shift, correct?

19 A Yeah, they pick if they want day, night,
20 both.

21 Q Okay. So when Ms. Hudson picks these four
22 days, she's a night shift girl, right?

23 A Uh-huh.

24 Q She's scheduled for night shift those four
25 days, right?

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1 A She picked those four nights.

2 Q And she's scheduled for night shift those
3 nights, right?

4 A She is a night shift girl. I'm not saying
5 she never came in a day shift, but she had two small
6 kids, so I'm saying --

7 Q I'm not asking you that.

8 But what does this mean here, these four
9 days? What does that mean she's scheduled to come in
10 for?

11 A She's hired for night shift.

12 Q All right. So does that mean she's
13 scheduled to come in night shift on these days?

14 A She picked those, yes.

15 Q The answer is yes?

16 A Yes.

17 Q Okay. Thank you.

18 Night shift is from 8:00 to closing; is
19 that right?

20 A The shift starts at 8:00, yes.

21 Q And closing is at 3:00; is that right?

22 A 2:45.

23 Q 2:45 is when customers are supposed to be
24 out; is that correct?

25 A Yes.

1 Q And 3:00 is closing?

2 A We close at 2:45. The club closes at
3 2:45, but I start cutting girls as early as midnight.

4 Q Okay. I'm asking you about what the shift
5 is right now. Day shift is from 11:30 to 8:00 p.m.?

6 A I think they open at noon, but the girls
7 can get there as early as 11:00 to start getting
8 ready.

9 Q Is the shift from 11:30 a.m. to 8:00 p.m.
10 on day shift?

11 A We open at noon, but I think she gives
12 them 30 minutes. When I was day manager, we opened at
13 11:30, so I got there at 10:30.

14 (Discussion off the record.)

15 (Plaintiff's Exhibit 3 marked for
16 identification.)

17 BY MR. DUDLEY:

18 Q Do you recognize Exhibit 3?

19 A Yes.

20 Q What is it?

21 A Day shift Entertainer Orientation &
22 Guidelines. And does it have a date on it?

23 Q All right. If you go down about -- to the
24 second to last bullet point on Page 2.

25 A What's the date on this one? I don't

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1 think this is when I was day manager, but --

2 Q Do you recognize what this document is?

3 A I had one similar. I don't know if this
4 was when I was day manager or if this is Sam's.

5 Does it have a date on it?

6 Q Do you know what this document is?

7 A Yes.

8 Q All right. What is it?

9 A Day Shift Entertainer Orientation &
10 Guidelines.

11 Q When were you day shift manager or day
12 shift house mom -- were you just day shift manager or
13 house mom, too?

14 A Manager and house mom -- relief house mom
15 for years, but then day manager.

16 I just don't know if this is an updated
17 version. I don't know how old this one is, because
18 there's no date on it.

19 Q Well, let me ask you: Go down to the
20 second to last bullet point.

21 A Okay.

22 Q And I will submit to you that this is the
23 document The Cheetah has given me --

24 A Okay.

25 Q -- as their Day Shift Entertainer

1 Orientation & Guidelines. This is what they tell me
2 was in effect during the employment of these
3 entertainers.

4 MR. WARD: Okay. I'm going to object to
5 that as a false statement, and it's not a
6 question.

7 MR. DUDLEY: That's fine. I don't know
8 why you gave it to me in discovery in response
9 to my request to give me the guidelines, but
10 this is what I got, and this is what I'm going
11 to ask you about, so --

12 MR. WARD: Okay. But this statement was
13 false.

14 MR. DUDLEY: It's not false, Kevin.

15 MR. WARD: It was.

16 BY MR. DUDLEY:

17 Q If you go down to the second to last
18 bullet point.

19 MS. KOLLAS: That starts with what? I'm
20 sorry. What's the first word, "if you"?

21 BY MR. DUDLEY:

22 Q Down to "whenever you were."

23 Do you see that?

24 A Scheduled or not, you must be at work no
25 later than 11:00 on the floor ready to perform -- no,

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1 yeah, 11:30.

2 Q All right. So I'll ask you again: Was
3 the day shift from 11:00 a.m. to 8:00 p.m.?

4 A Yes.

5 Q All right.

6 A We opened at 11:30 when I was day manager.

7 Q And the entertainers were expected to be
8 on the floor at 11:30, right?

9 MS. KOLLAS: Are you asking now or when
10 she was day manager?

11 THE WITNESS: I don't know what years.
12 This is -- I haven't been day manager since
13 2011. Now they open at noon.

14 BY MR. DUDLEY:

15 Q If you don't know the answer, you can
16 always say that.

17 A Well, I don't know the time frame you're
18 talking. I don't know --

19 Q I don't know the time frame you're talking
20 about. Are you saying the rule was changed in some
21 way?

22 A The hours of operation went from 11:30 to
23 noon, so now we open 30 minutes later.

24 Q Okay. Are girls still expected to be
25 there at 11:30 or 11:00?

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1 A I think 11:30, because we open at noon.
2 That gives them 30 minutes to --

3 Q And these changes were made when?

4 MS. KOLLAS: If you don't know --

5 THE WITNESS: I don't know. I don't know.

6 BY MR. DUDLEY:

7 Q You will acknowledge that the night shift,
8 since you've been there, starts at 8:00, right?

9 A Yes.

10 Q And ends at closing, right?

11 A Ends at closing, 2:45, yes.

12 Q Is it Cheetah's policy that an
13 entertainer, during the period of time that you've
14 been a house mom, that entertainers were to be at work
15 on scheduled shifts by 7:30 p.m., and ready for
16 walkout at 8:00?

17 A We don't do walkout at 8:00.

18 Q I think your own guidelines -- you know
19 what that means by "walkout at 8:00"?

20 A We used to do a walkout revue at 8:00, but
21 it's been 10 years since we did that.

22 (Plaintiff's Exhibit 4 marked for
23 identification.)

24 BY MR. DUDLEY:

25 Q If you can grab the next, Exhibit 4?

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1 A Exhibit 4.

2 Q The night ones. If you can go down to the
3 second to last bullet point?

4 A Uh-huh.

5 MS. KOLLAS: Starting with what word?

6 BY MR. DUDLEY:

7 Q With "if."

8 A Okay.

9 Q Could you read that, please?

10 A If you cannot make your shift for a valid
11 reason, you must call in by 7:30. Emergencies do
12 happen, so if for some reason you can't call by 7:30,
13 you can make sure you call at your soonest
14 opportunity. Failure to show up for your shift,
15 without calling, is considered a no call/no show, and
16 will result in suspension or termination.

17 Q Could you read the -- well, I'll come back
18 to that.

19 Read the first sentence of the last bullet
20 point, if you could.

21 A Whenever you worked scheduled or extra,
22 you must be at work no later than 7:30, and be ready
23 for walkout at 8:00.

24 Q All right. Now, is that a true and
25 correct --

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1 A I think these are really --

2 MR. WARD: He hasn't finished his
3 question.

4 BY MR. DUDLEY:

5 Q Is that Cheetah's policy on when an
6 entertainer is supposed to be at work and when she's
7 supposed to go out on the floor?

8 MR. WARD: Object to the form.

9 THE WITNESS: These guidelines are old.
10 We don't do walkout at 8:00.

11 BY MR. DUDLEY:

12 Q Are you familiar with these guidelines?
13 Because -- hold on let me finish. Your -- Cheetah has
14 told me that you're one of the people that's
15 responsible for telling entertainers what their
16 policies are.

17 Now, is it your contention that you're
18 telling me that that walkout is referring to the
19 walkout that Cheetah does at 10:00 at night?

20 MR. WARD: Object to the form.

21 THE WITNESS: We did our walkout revue at
22 8:00. We changed it to 10:00, and then we
23 changed it to 11:00. We were trying to get the
24 most customers, because it's impressive. I
25 mean, I don't know if you've ever seen it. It

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1 gives you chill bumps when you see it. These
2 girls are gorgeous and beautiful.

3 So we have changed it. I think this set
4 of policies are correct. We did do it at
5 8:00, but a long time ago. We don't do walkout
6 anymore.

7 BY MR. DUDLEY:

8 Q What time are night shift entertainers
9 supposed to be on the floor -- by what time?

10 MR. WARD: Object to the form, unless we
11 can have a time period.

12 THE WITNESS: Anywhere between 8:00 and
13 10:00.

14 BY MR. DUDLEY:

15 Q All right. The shift begins at 8:00, and
16 they can arrive up to 10:00, and they pay a late fee
17 if they arrive after 8:00?

18 A Before April the 9th.

19 Q Before April the 9th, correct?

20 A Yes. And there were -- can I add to this
21 just to make maybe the questions go easier?

22 MR. WARD: Yes.

23 BY MR. DUDLEY:

24 Q How was this different after April
25 the 9th?

1 MR. WARD: I think she wanted to finish
2 her answer.

3 THE WITNESS: I want to finish my answer
4 so I can clarify.

5 MR. DUDLEY: That's fine.

6 THE WITNESS: If you drove more than an
7 hour, had children, took care of an elderly
8 parent, had college, another job, other
9 obligations that would make you okay late, then
10 you did not have a late fee. You got to come in
11 late, and you had to be on the floor by 10:00.

12 Over the years, we changed that from
13 9:30 -- 10:30, when walkout was 11:00. There
14 were girls that got there, as long as they made
15 walkout at 11:00. Over the years it's changed,
16 the walkout time.

17 BY MR. DUDLEY:

18 Q Okay.

19 A So those were the reasons they would not
20 have a late.

21 Q I don't want to get --

22 A And if they weren't scheduled, you didn't
23 have a late fee. If you came in on an unscheduled
24 night.

25 Q I understand.

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1 For purposes of this deposition, I don't
2 care what time the walkout is. This is not about
3 that. What I'm just simply trying to find out from
4 you, as night manager, is when Cheetah expected them
5 to be at work. That's it.

6 A Okay.

7 Q And 8:00 p.m. --

8 A Between 8:00 and 11:00.

9 Q Okay. They're supposed to be there at
10 8:00, right?

11 A (Nods head.)

12 Q Right?

13 A That's what time the shift starts, but
14 there were --

15 Q That's all I've asked you. We've spent
16 five minutes on this. That's all I asked you.

17 And then, if they come later than 8:00,
18 they're fined; is that correct?

19 MR. WARD: Object to the form.

20 THE WITNESS: Before April 9th, 2016, with
21 those eight reasons, they were not fined.

22 BY MR. DUDLEY:

23 Q All right. I'm talking about before April
24 the 9th, 2016.

25 A Yes, some were.

1 Q What was the process when an entertainer
2 arrived at Cheetah? What is she supposed to do? Walk
3 me through her getting out of her vehicle and walking
4 in the back door. Tell me what they're supposed to do
5 in chronological order.

6 A Give the valet their keys.

7 Q All right.

8 A And they park their car either inside or
9 out, whether they paid three, five or 10.

10 They come inside, sign in. Now, after
11 April 9th, they clock in.

12 Q Okay.

13 A They then sign up for hair, makeup or do
14 their own. Get dressed. Sometimes they go to the
15 boutique, they order dinner. Some of them like to
16 eat, do their hair, makeup, all that. Some of them
17 take three hours to get ready, some of them take three
18 minutes.

19 Q Okay. So Cheetah's policy is to -- once
20 they walk in is to --

21 A Let your house mom know you're there.

22 Q Let your house mom know you're there?

23 A And how long you need to get ready.

24 Q All right. And then at what point do they
25 sign in and are on the clock, so to speak --

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1 A They clock in.

2 Q -- before April the 9th, 2016?

3 A Before? They would sign in as soon as
4 they walked in the door. If they got there at 7:30
5 and took three hours to get ready, they would write
6 7:30.

7 Q It's Cheetah's policy to sign in the
8 minute you walk in the door?

9 A Yes.

10 Q Before April the 9th, 2016?

11 A The whole time.

12 Q Did you still use the sign-in sheets after
13 April the 9th, 2016?

14 A I still use the sign-in sheet, just to
15 know, see their name, because I don't run the clock-in
16 sheet. I go, still, off that same sheet.

17 Q Okay.

18 A Day shift does their's different. They
19 don't use the sign in, I think.

20 Q Now, tell me how the end of the night
21 works, or worked, prior to April the 9th, 2016.

22 A I start doing cuts when walkout is over.
23 So, when it was at 10:00, I would start cutting day
24 shift girls at 10:30.

25 Q And what I'm asking you about here is how

1 the time is recorded. They're leaving, how is that
2 recorded?

3 A When they leave now, they clock out.
4 Prior to April 9th, they would come up, can I leave
5 after walkout? Can I leave at midnight? Some girls
6 have early-morning school or get their kids up, so
7 they didn't work until midnight.

8 Q How is their leaving time calculated?

9 A We only really used it for a sign-in, not
10 for a sign-out.

11 Q Is it fair to say that Cheetah had a
12 sign-in policy, but not a sign-out policy before April
13 the 9th, 2016?

14 A Yeah, I would highlight them. This is how
15 I knew they weren't there. See the yellow
16 highlighter? I would highlight when they left.

17 Q How can we tell what time an entertainer
18 left from your records?

19 A I highlighted it.

20 Q But that doesn't tell me what time they
21 left, does it?

22 A No.

23 Q How would I find out when a particular
24 entertainer left a particular shift?

25 A I don't think we kept up with time sheets

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1 back then. Now they clock in.

2 Q But I'm talking about before April
3 the 9th, 2016, how would I do that?

4 A I don't know.

5 Q Are you aware of any records that exist
6 that show what time an entertainer?

7 A What time --

8 Q Let me finish the sentence -- what time
9 they left?

10 A We had time sheets that we e-mailed, but I
11 think I just clocked -- and I'm going off years of
12 memory -- I think I just clocked everybody out at
13 3:00. There might have been a rare day girl I would
14 actually write 10, so I don't know. I would have
15 to -- I e-mail those.

16 Q The time sheets I've seen, and you tell me
17 if I'm wrong, they don't have a clock-out.

18 A They all just say 3:00?

19 Q They have a sign-in -- they don't have
20 anything.

21 A That's probably true. I don't -- I don't
22 think we typed them in. I'd have to go back and look.
23 I don't know. But now, for the record, if they leave
24 at 8:00 --

25 MS. KOLLAS: Let him ask questions.

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1 BY MR. DUDLEY:

2 Q After April the 9th, 2016, the entertainer
3 would clock herself out on the computer?

4 A Yeah. And just to show you how it works,
5 if you were on -- if we started with the red set, they
6 would be the first 20 girls to leave. Red set is done
7 at 2:00. We know -- I know, because I'm in the
8 building -- at 2:00, if you're done with red, you
9 would come to me, and we would start cutting at 2:00,
10 because I would have 100 people, 60 girls, you know.

11 Q In night shift, do all the entertainers
12 leave at the same time?

13 A No, we start cutting them at 2:00. About
14 1:45 or 2:00 they start --

15 Q What if they're after 2:45, do they all
16 leave at the same time?

17 A The ones after 2:45? For example, it's
18 different every night. If there's red set -- the red
19 girls were done first, then those girls would start
20 weeding out. For the valet purposes, for my
21 purposes -- we have a breathalyzer. You know, they go
22 in, like, red set would be first, that's 20 girls.
23 Then yellow, then green, then blue. The girls that
24 are in VIP and making money until the end are the last
25 ones, so --

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1 Q I have been told that if an entertainer
2 worked after 2:45 that Cheetah required the parking
3 lot to be cleared before any entertainer could leave.

4 Is that not their policy?

5 A That is, for security purposes.

6 Q So the answer to my question would be:
7 Yes, they all leave at the same time, if they work
8 after 2:45?

9 A That's not true.

10 Q Well, explain to me if they're --

11 A They are free to leave at 2:00 -- whenever
12 we clear the lot for security, but I've been there as
13 late as 4:00 in the morning. If a girl cannot pass
14 her breathalyzer, I sit with her until her Uber or
15 boyfriend -- the other girl I had to take a girl to a
16 RaceTrac to meet her boyfriend at Six Flags. I mean,
17 it's different every night, so it's not true that they
18 all leave at the same time. They have Uber, Lyft,
19 cabs, boyfriends, family members.

20 Q Let me rephrase it. You pointed out
21 something that doesn't make sense.

22 So, they're not allowed to leave until the
23 lot clears, but they may be there a lot longer than
24 that. Is that true?

25 MR. WARD: Object to the form.

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1 THE WITNESS: 99 percent of the time it
2 takes about 15 to 20 minutes to clear the lot.
3 They're free to go --

4 BY MR. DUDLEY:

5 Q Let me ask the question again.

6 If the entertainer is there until after
7 2:45, she cannot leave until the lot clears, correct?

8 A If she's driving.

9 Q If she's driving?

10 A If she's taking Uber, Lyft, designated
11 driver, boyfriend, cab. If she's driving, for
12 security reasons, we hold them on the lot, so a
13 customer doesn't follow them home. And they agree.
14 Nobody has ever -- one girl had somewhere to be the
15 other night, and I walked her out and said, she's okay
16 to go. You know, hold the customers and let her go.
17 She had an emergency. Her child got hurt.

18 Q All right. And then some girls may be
19 there a long time after the lot clears, correct?

20 A Define a long time.

21 MR. WARD: Object to the form.

22 THE WITNESS: Five minutes?

23 BY MR. DUDLEY:

24 Q Well, you just said a minute ago -- you
25 described a situation where you said you got home

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1 pretty late?

2 A That's about once a year. One girl once a
3 year.

4 Q So, you acknowledge that some of them may
5 be there after the lot clears for one purpose or
6 another?

7 MR. WARD: Object to the form.

8 BY MR. DUDLEY:

9 Q Is it fair to say that?

10 A I'd say one girl once a year I have to sit
11 with. We stop breathalyzing at 3:30. Is there a rare
12 case I go down and stay with somebody until 3:45?
13 It's happened. About once a year.

14 Q So if somebody is there after 2:45, what
15 time would you say that the lot normally clears?

16 A Sometimes five minutes, sometimes 20
17 minutes.

18 Q What's the latest it's taken to clear the
19 lot?

20 A The latest that I've ever left? Me,
21 personally? I'm there later than everybody.

22 MR. WARD: He's asking, clear the lot.

23 BY MR. DUDLEY:

24 Q What's the latest time you ever remember
25 the lot being cleared?

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1 A In my memory, probably 3:15, 3:20.

2 Q Is that standard for it to take until
3 3:15, 3:20?

4 MR. WARD: Object to the form.

5 THE WITNESS: I mean, it differs.

6 BY MR. DUDLEY:

7 Q It differs?

8 Can you give me an average of what time
9 you think the lot clears?

10 A A slow night, 3:10.

11 MS. KOLLAS: I'm sorry, I'm confused as to
12 what you're asking. Are you asking her for the
13 average amount of time that it takes to clear
14 the lot? Because you've also asked her the
15 latest time. So, she said 3:15 was the latest
16 time, and then you said, is that standard, so --

17 MR. DUDLEY: Well, that question was --
18 I've asked a question since then.

19 BY MR. DUDLEY:

20 Q But I'm simply asking, if you had to
21 average the time that it --

22 THE WITNESS: The average of girls --

23 MR. DUDLEY: Let me finish, please.

24 MS. KOLLAS: Yeah, listen.

25 BY MR. DUDLEY:

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1 Q Can you give me an average of the time
2 when the lot clears?

3 A I did answer that, didn't I?

4 MS. KOLLAS: The time it takes or the time
5 on the clock? I'm so sorry.

6 MR. DUDLEY: The time on the clock?

7 THE WITNESS: Whose time on the clock?
8 The dancer's time on the clock?

9 BY MR. DUDLEY:

10 Q The time on the clock is the same. Is it
11 3:30? 3:15?

12 MS. KOLLAS: What time on your cell phone
13 is it?

14 MR. DUDLEY: Is it normally cleared, the
15 lot?

16 THE WITNESS: Am I taking an average of
17 every night, how long it takes the valets to
18 clear the lot?

19 BY MR. DUDLEY:

20 Q Yes.

21 A 15 to 30 minutes.

22 Q All right. So what time would you say the
23 lot is normally cleared? What time of evening? Time
24 of night?

25 A I answered that. I think, 3:15 to 3:15.

1 MR. WARD: That was a different question
2 that he was asking.

3 THE WITNESS: And that's for the valets,
4 that's not the time -- for the record, the
5 dancers can start leaving -- we start cutting at
6 2:00 -- well, at midnight, but at 2:00 to --

7 BY MR. DUDLEY:

8 Q We're talking about dancers who are there
9 after 2:45?

10 A Okay. And of, let's say, 60 girls, I
11 would say probably --

12 Q I'm not asking you that. Your attorneys
13 can ask you that if they'd like to, that's fine.

14 MS. KOLLAS: I'm so sorry, and I'm going
15 to go ahead and object to the argumentative
16 nature that I've kind of witnessed this entire
17 deposition.

18 She does have a right to try to answer
19 your question to the best of her ability.

20 MR. DUDLEY: That's all I want.

21 MS. KOLLAS: I promise you she is doing
22 her very, very best.

23 MR. DUDLEY: That's all I want.

24 MS. KOLLAS: So when you ask her a
25 question that frankly confuses the crap out of

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1 me, I do want her to -- I want the record to
2 accurately reflect what she is trying to tell
3 you.

4 MR. DUDLEY: Me too. That's all I want.

5 MS. KOLLAS: She has said, I don't know
6 how many times, that it has taken 15 to 30
7 minutes to clear the lot, on average.

8 MR. DUDLEY: I understand.

9 MS. KOLLAS: And then you want her to do
10 the math from 2:45 to however long that is.

11 MR. DUDLEY: No, that's not what I asked.

12 MS. KOLLAS: It is what you asked.

13 MR. DUDLEY: Anyway, it's on the record.
14 I'll move on. I think we have enough testimony
15 on it.

16 MS. KOLLAS: I'm just saying, if the tone
17 stays like this, I'm going to start instructing
18 her not to answer after she's answered the
19 question 10 times. I really will.

20 MR. DUDLEY: I don't want to do that.

21 MS. KOLLAS: All right, so let's all play
22 nice.

23 MR. WARD: Can I break for lunch? I'm
24 getting really hungry. It's about an hour past
25 when I like to eat.

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1 (Lunch break from 12:46 p.m. to 1:34 p.m.)

2 MR. CHAPMAN: Note for the record, the
3 presence of Mr. Berney.

4 BY MR. DUDLEY:

5 Q Ms. Wood, you would agree that Cheetah has
6 a policy about charging entertainers late fees for
7 being late to their scheduled shifts, would you not?

8 A Before --

9 Q Before April the 9th, 2016?

10 A And I already stated the reasons. I don't
11 think I should state them again, if they didn't
12 have --

13 Q Please answer my question, and then you
14 can explain it.

15 A Under certain circumstances, yes.

16 Q I'm simply asking you whether they had a
17 policy to do that?

18 A Yes.

19 Q Okay. And that was a written policy, was
20 it not?

21 A I don't know if it was -- it's written in
22 here somewhere.

23 Q If you could go to Exhibit 4. Is four the
24 night shift entertainer guidelines?

25 A Uh-huh.

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1 Q If you could go to the first page -- I'm
2 sorry, the second page.

3 A (Complies.)

4 Okay.

5 Q And look at the final bullet point. Could
6 you read that to me, please?

7 A The bottom? Sets are mandatory?

8 Q I don't know that we're looking at the
9 same thing.

10 A Page 4?

11 Q Page 2.

12 A Oh, okay. There you go, yes.

13 Q Could you please read that bullet point to
14 me?

15 A Whenever you work scheduled or extra, you
16 must be at work no later than 7:30 and ready for
17 walkout at 8:00. If you are late or miss walkout, you
18 are responsible for paying a late fine. The amount of
19 this fine is determined by the time you arrive.

20 Q Read the rest of it, please.

21 A 8:00 to 9:00 is 25, 9:00 to 9:30 is 35,
22 9:30 to 9:45 is 50. You will not be permitted to work
23 if you arrive later than 9:45.

24 Q Would you agree that that is Cheetah's
25 written policy on charging entertainers late fees?

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1 A No.

2 Q So you disagree with their written policy?

3 MR. WARD: Object to the form.

4 THE WITNESS: I don't know who typed this.

5 If it was Rose, Babs --

6 BY MR. DUDLEY:

7 Q I'm simply asking you, is that Cheetah's
8 policy before April the 9th, 2016?

9 MS. KOLLAS: And she's answered you twice,
10 no.

11 THE WITNESS: No. I've been on night
12 shift since 2011, and I don't remember ever
13 charging anybody 50. And if you were not
14 scheduled -- see where it says scheduled or
15 extra? If you were not scheduled --

16 BY MR. DUDLEY:

17 Q I'm not asking you whether the policy is
18 enforced. I'm asking you whether that's their policy
19 right now.

20 A I don't know.

21 Q Is that Cheetah's policy?

22 A I don't know who typed this.

23 Q If Jack Braglia said that was their
24 policy, is that their policy?

25 MR. WARD: Object to the form. That's an

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1 improper question.

2 MR. DUDLEY: She's on cross.

3 THE WITNESS: I don't know.

4 BY MR. DUDLEY:

5 Q Okay. Do you know what Cheetah's policy
6 was regarding late fees?

7 A What I was told is what I just stated.

8 Q Tell me what you understand the policy to
9 be.

10 A If you were scheduled, you would be
11 charged 25 after 9:00.

12 Q Okay.

13 A If you did not have school, take care of a
14 child, an elderly parent, drove more than an hour --
15 there were eight things earlier: School, other job,
16 traveling, taking care of somebody else or
17 unscheduled -- eight things -- then we would assess
18 the 25 and the 35.

19 Q All right. Well, you just said 9:00. Is
20 it not the policy that the late fee would be assessed
21 after 8:00 or after 9:00?

22 A 8:00 to 9:00 was 25, and then anything
23 after 9:00 would be 35. I never saw the 50, but I
24 don't know who typed this up, so --

25 Q Did you not go over these orientation

1 guidelines with entertainers you hired and went
2 through the orientation process with?

3 A When I came to night shift, we had a set
4 of guidelines. We do not use these anymore. So for a
5 short time -- I don't know if this -- this looks like
6 it says 2009 -- July 17th, 2009. I was during the
7 day.

8 Q Again, I will submit to you that this is
9 what Cheetah has given me in discovery for the
10 relevant time periods.

11 A Okay.

12 MR. WARD: Object to the form.

13 BY MR. DUDLEY:

14 Q Now, I also have entertainer testimony.
15 They tell me that when you hired them, you went over
16 this with them, and you told them that was a policy.

17 Is that not true?

18 A We have a hire packet, but --

19 Q Answer that question, and then you can
20 explain it.

21 A I can't answer if it was this exact one or
22 a similar one. There were a lot of discrepancies --

23 Q You don't know if it was this policy or
24 not?

25 A I do not know.

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1 Q Okay. Can you tell me what the purpose of
2 Cheetah's late fee policy was?

3 A To get the shift started at 8:00, rather
4 than 11:00.

5 Q Make sure entertainers were there at 8:00,
6 right?

7 A (Nods head.)

8 Q Is that a yes?

9 A Yes, to keep the clients entertained and
10 happy.

11 Q Okay. And you agree that that benefited
12 Cheetah?

13 A (Nods head.)

14 Q You have to answer.

15 A Yes, yes. And the girls that were on
16 time, too.

17 Q The girls that were on time were not
18 fined?

19 A And they made -- the early bird got --

20 Q Can you answer that? The girls who were
21 not on time --

22 MR. WARD: Can you let her finish her
23 sentences before you interrupt her.

24 BY MR. DUDLEY:

25 Q Is that true?

1 A That is true.

2 Q Okay. Would you like to explain that?

3 A When I train girls, I tell them their
4 first night the early bird gets the worm. The girls
5 that were on time would have two or three VIPs before
6 some of the girls ever got their mascara on, and then
7 they were eligible to leave at midnight, 1:00, 2:00.
8 They got to leave early, too, and didn't have to deal
9 with people after they got intoxicated.

10 Q And you would agree with the statement
11 that Jack Braglia also personally benefited from that
12 rule?

13 MR. WARD: Object to the form.

14 THE WITNESS: I don't know.

15 BY MR. DUDLEY:

16 Q Well, where did the late fees go?

17 A To Cheetah Bucks.

18 Q And you don't know where it went after
19 that?

20 A I took them to Cheetah Bucks.

21 Q Let's just say that the facts in this case
22 establish that Jack Braglia got it. Would you --

23 A I don't know.

24 MS. KOLLAS: I've got to stop. I'm so
25 sorry. And I'm not trying to be argumentative,

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1 but this is the third time you've visited this
2 subject. She's answered this question, I'm not
3 kidding, more than 20 times.

4 MR. DUDLEY: I've never asked her this
5 question.

6 MS. KOLLAS: Yeah, you have.

7 MR. DUDLEY: I never asked her who
8 benefited from it. And I'm certainly entitled
9 to ask whether Jack Braglia benefited from it.

10 MS. KOLLAS: She testified over 10 times
11 she didn't know where the money went after she
12 gave it to Cheetah Bucks, period. If she
13 doesn't know where the money went, how can she
14 know who it benefited?

15 BY MR. DUDLEY:

16 Q Would you agree with the statement that if
17 Jack Braglia got the late fees, that he benefited from
18 that policy?

19 MS. KOLLAS: Object to the form.

20 MR. WARD: Object to the form, and if you
21 keep posing questions with other people's
22 testimony, we're going to have to stop.

23 MR. DUDLEY: It's perfectly appropriate on
24 cross.

25 MR. WARD: No, it's not.

1 MR. DUDLEY: I disagree with you.

2 MR. WARD: It is not appropriate to array
3 the testimony of another witness in front of
4 this witness. You may ask her about her --

5 MR. DUDLEY: You can object to it, and --
6 you know, the form of the question, and --

7 MS. KOLLAS: If you don't know, just say
8 you don't know.

9 MR. WARD: No, I'm giving you fair warning
10 that if it continues, I'm going to take it up
11 with the court.

12 MR. DUDLEY: Kevin, I'm going to ask the
13 questions. You can object -- we have a
14 stipulation here, responsiveness of the answer.

15 MR. WARD: I'm going to take it up with
16 the court if you continue --

17 MR. DUDLEY: You can do that.

18 MR. WARD: -- to array testimony in front
19 of another witness.

20 MR. DUDLEY: Who benefited is directly at
21 issue in this case, and I can certainly ask that
22 question.

23 MR. WARD: You could ask that question.

24 MR. DUDLEY: And I just did, and I'm going
25 to ask it, okay.

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1 MR. WARD: That's not the question you
2 asked.

3 MS. KOLLAS: Thank you.

4 MR. WARD: The question you asked was:
5 So-and-so testified this. Now, who benefited.

6 MR. DUDLEY: I think that we can --
7 everybody in this room can agree that it was at
8 Jack Braglia's deposition that he testified that
9 he got this money. It is an undisputed fact.

10 MS. KOLLAS: I can't agree to that. We
11 weren't there.

12 THE WITNESS: I don't want to know what he
13 said.

14 MR. DUDLEY: It's in evidence by another
15 witness.

16 MR. WARD: It has nothing to do with the
17 appropriateness of your question.

18 MR. DUDLEY: Let's move on.

19 MR. WARD: And if you keep doing it, I'm
20 going to have to put a stop to it. You can't do
21 that.

22 (Simultaneous crosstalk.)

23 MR. DUDLEY: I disagree with you.

24 MR. WARD: Well, we're going to take it
25 up, because I think it's abusive, it's

1 harassing, it's argumentative. It suggests to
2 this witness before she answers the question
3 that she's lying.

4 MR. DUDLEY: Kevin, you've got your
5 objection. Object, if you feel it's
6 inappropriate. I understand.

7 MR. WARD: I feel the questioning is
8 inappropriate.

9 BY MR. DUDLEY:

10 Q The amounts of late fees that you contend
11 were assessed against entertainers can be found in
12 what documents?

13 A You mean this right here, Exhibit 1?

14 Q I'm asking you, where can I find that?

15 A Exhibit 1.

16 Q All right. Were there any other documents
17 that would show the amounts that entertainers were
18 assessed for late fees?

19 A (Shakes head.)

20 Q That you're aware of?

21 A That is all I'm aware of.

22 Q Okay. And do you have any other of those
23 records today with you?

24 A No, I don't.

25 Q Tell me Cheetah's policy regarding missed

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1 stage fees.

2 A On what page?

3 Q I'm just asking you: You tell me what you
4 understand their policy to be regarding missed stage
5 fees.

6 A That would be more a question for the
7 house mom on the floor, but I do the floor. If
8 somebody is missing from stage, I have to look for
9 them and see if they're checked in. And when I find
10 them, if it's a bathroom emergency then I -- hey, you
11 know, it's yellow set. If I find them in the back or
12 if they're about to check in -- that's usually what's
13 going on. They're giving somebody a tour of the
14 E-Room or the Loft or I find them shopping in the
15 boutique.

16 Q What does Cheetah do if somebody missed a
17 stage set?

18 A If we don't find them, then we'll say hey,
19 were you checked in or did you miss your stage? It's
20 \$10.

21 Q The fee is \$10?

22 A Uh-huh.

23 Q Not 25?

24 A Ten.

25 Q All right. And where would I find records

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1 of who had been assessed a missed stage fee?

2 A Exhibit 1.

3 Q All right. And that's a document that
4 you -- you put in an envelope at the end of the night
5 and give it to the Cheetah Buck girls?

6 MR. WARD: Object to the form.

7 THE WITNESS: I don't put it in an
8 envelope.

9 BY MR. DUDLEY:

10 Q All right. I apologize. You just hand
11 it --

12 A Yes.

13 Q It's not inside of an envelope?

14 A Correct.

15 MR. WARD: Are we going to cover this
16 again?

17 MS. KOLLAS: Can I ask a question: Are
18 you asking the whole Exhibit 1, or are you
19 talking the yellow slip now?

20 THE WITNESS: I only take the top sheet.

21 BY MR. DUDLEY:

22 Q The second page of the document, what do
23 you call that?

24 A Stage rotation.

25 Q Stage rotation sheet?

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1 A And I make -- if there's five floormen,
2 two house moms and a DJ. There's eight of those a
3 night.

4 Q Okay. The first page, what do you call
5 this?

6 A Check-out form.

7 Q All right. The check-out form has the
8 totals for all the entertainers for the shift,
9 correct?

10 A Correct.

11 Q And then the stage rotation sheet has more
12 individualized information; is that correct?

13 A Correct.

14 Q Same information?

15 A Same information.

16 Q If you look at the second sheet you can
17 figure out the totals for the first sheet?

18 A Correct.

19 Q And what is the purpose of the missed
20 stage fee policy?

21 A The purpose is to get everybody to stage.

22 Q The purpose -- tell me if I'm right --
23 would be to deter entertainers from missing stage
24 sets, right?

25 A Yeah. That's how they make their money.

1 Q Is that yes?

2 A Yes.

3 Q And Cheetah benefits from having, at any
4 given time, what, 10 to 20 entertainers on stage; is
5 that right?

6 A Between six -- minimum of six. Two girls
7 per stage, minimum.

8 Q And maximum of what?

9 A Usually five or six per stage.

10 Q Maximum of how many total?

11 A There's three stages now. There used to
12 be four. Whatever that number is.

13 Q Four times five, is that what we're
14 looking at?

15 A Well, when we used to have four stages,
16 yes. Now, we have three, so I'd say at any given time
17 probably 15 people.

18 Q All right. So Cheetah benefits from
19 having between six and 15 people stage dancing,
20 correct?

21 A Uh-huh.

22 Q And that's the reason why they want to
23 make sure that people make their stage rotations,
24 correct?

25 A Yes.

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1 Q You would agree that Cheetah benefits from
2 that?

3 A I don't know if they benefit. The dancers
4 make money in their garter, but they keep customers
5 coming back to see girls on stage.

6 Q Cheetah is a nude entertainment club, and
7 it is their policy to have nude dancers at all times
8 on stage, is it not?

9 A Yes.

10 Q And so do you dispute that that does not
11 benefit them?

12 MR. WARD: Object to the form.

13 THE WITNESS: I'm not agreeing or
14 disagreeing.

15 BY MR. DUDLEY:

16 Q You would agree that whoever gets the
17 missed stage fee would benefit from that policy also,
18 correct?

19 A Yes.

20 Q If you could look at Exhibit 4, please.

21 A (Complies.)

22 Okay.

23 MS. KOLLAS: Do you have a page number?

24 MR. DUDLEY: I do. Let's look at Page 4.

25 BY MR. DUDLEY:

1 Q Would you agree that Page 4 contains
2 Cheetah's policy regarding stage set dancing?

3 MR. WARD: Object to the form.

4 THE WITNESS: Sets are mandatory. You
5 must show up on time for your sets. Is that
6 what you're talking about, the bottom one?

7 BY MR. DUDLEY:

8 Q I'm talking about the whole thing. My
9 understanding is that whole page deals with stage
10 sets, does it not?

11 MS. KOLLAS: If you need to read it. Take
12 your time.

13 BY MR. DUDLEY:

14 Q And just to be clear here: Have you not
15 read this policy before?

16 A I have. I haven't seen it in years,
17 though.

18 Q Okay.

19 MS. KOLLAS: Take your time. Read it.

20 THE WITNESS: Yes.

21 BY MR. DUDLEY:

22 Q So you would agree with the statement that
23 that is Cheetah's stage set dancing policy?

24 MR. WARD: Object to the form.

25 THE WITNESS: Yes.

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1 BY MR. DUDLEY:

2 Q And you would agree that that policy
3 continues on to the next page, would you not?

4 A Uh-huh.

5 Q Take a moment and look at it, and let me
6 know if you disagree with any of those provisions.

7 A (Complies.)

8 MS. KOLLAS: He's asking you to agree that
9 everything in here is accurate.

10 MR. DUDLEY: I'm going to object to that.
11 I've asked her a question, and you don't define
12 what that question is for. That's not
13 appropriate. It is not appropriate, and I
14 object to it.

15 MS. KOLLAS: I disagree. You're asking
16 her to look at a document she has not seen
17 before, and I just wanted her to understand that
18 you're asking her to agree to everything in
19 there.

20 MR. DUDLEY: She will let me know if she
21 doesn't understand something.

22 MS. KOLLAS: I think --

23 MR. DUDLEY: That's a very inappropriate
24 objection.

25 MS. KOLLAS: No, but at the same point you

1 haven't let her finish a sentence, so --

2 MR. DUDLEY: You know it's inappropriate.
3 Please don't do it.

4 MS. KOLLAS: No, it's not.

5 MR. DUDLEY: Please don't do it.

6 THE WITNESS: There are policies on here
7 that changed over the years. So if you want me
8 to give you the differences and what changed --

9 BY MR. DUDLEY:

10 Q This is a document that, again, I'm going
11 to represent to you that Cheetah has given me as their
12 policies over the relevant time period.

13 If you want to tell me what's not their
14 policy, tell me that, that's fine.

15 MR. WARD: I'm going to object to the
16 form. Same continuing objection.

17 THE WITNESS: I don't know who typed it up
18 or whoever gave this to me.

19 MR. DUDLEY: This is not my document.
20 This is Cheetah's document.

21 MR. WARD: I object to the form. I object
22 to the statement. I object to the
23 representation. It is not a question.

24 BY MR. DUDLEY:

25 Q Ms. Wood, please read it, tell me what you

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1 contend is not Cheetah's policy. That's all I want to
2 know.

3 A I can answer if it's currently now the
4 policy -- these are outdated.

5 Q I understand.

6 And I am asking you about before April
7 the 9th, 2016, and I understand that they're --

8 A We used to do style of music -- rock,
9 progressive, funk, hip hop. Now we do red, yellow,
10 green, blue, that's true. Going down the list.

11 Q You're talking about post April the 9th,
12 2016?

13 A Used to be style of music. Then we
14 switched it to colors. I think back when I first
15 started it was A, B, C, D, so you were an "A" girl, so
16 the girls didn't like -- well, they think if you're an
17 "A," you're an "A" girl, like a -- so we changed it to
18 type of music, to what the type of music the girls
19 liked, because we tried to accommodate.

20 Set assignment is first come/first serve.
21 If you were a rock girl, and you got put on
22 progressive, you know -- they didn't like that. So
23 that's why we went with colors, because then it was
24 easier.

25 The stages still go clockwise. We were

1 three songs, but it took too long to find the girls,
2 so we made it four songs, which made my life easier.

3 Here it says that you could get down to do
4 a dance and come back to stage. We changed that
5 policy. I don't know the date on that. I could try
6 to find that out for you.

7 Five for the top, five for the bottom
8 still stays the same. No talking on stage. Sets are
9 mandatory unless you're checked in. You know, there
10 are excuses -- there are some in there that are
11 reasons why you could miss.

12 The last girl to stage, last one to get
13 off -- that doesn't always happen, but in a perfect
14 world. Executive Room, we used to have a stage. We
15 don't anymore. We don't do revues anymore. And I
16 think the VIP is correct.

17 Q I'm sorry, I'm just asking you about the
18 stage set rules. Are you now talking about the
19 Executive Room rules and revue rules?

20 A I just went down those two pages, Pages 4
21 and 5, what the differences were.

22 Q Anything else that you contend was not
23 Cheetah's policy before April the 9th, 2016, with
24 respect to stage set dancing?

25 A No, I think we covered it all.

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1 Q Okay. Can you explain to me Cheetah's VIP
2 check-in policy, as it pertains to entertainers?

3 MR. WARD: Object to the form.

4 THE WITNESS: Can I --

5 BY MR. DUDLEY:

6 Q Explain to me their check-in policy, per
7 their policies.

8 A If somebody wants to check you in, they
9 invite you to go to the dining -- or anywhere but the
10 bars or Tables 40 through 50, 60, 70, 80, 90 row.
11 They check you in and then you don't go to your stage
12 set. You spend a half hour or an hour with that
13 customer.

14 Q So the customer chooses to go to one of
15 those areas and pay the entertainer an hourly rate?

16 A Yes.

17 Q All right. And the hourly rate is \$300 an
18 hour; is that correct?

19 A Uh-huh, yes.

20 Q And then the entertainer pays the club a
21 check-in fee of \$10 per check in; is that right?

22 A If they don't have a champagne credit.

23 Q Okay. And the customer pays the club how
24 much for an hour?

25 A They don't pay anything to the club for an

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1 hour.

2 Q So the customer pays nothing for the room?

3 A Oh, for the room. They pay for the room,
4 but they don't pay for the hour.

5 Q So the customer pays nothing unless
6 they're in a VIP room?

7 A Correct.

8 Q And then he pays a hundred dollars an
9 hour?

10 A During the day it's 75, and at night it's
11 100 for a half hour, 200 for an hour. Like to sit in
12 the dining room, you just eat dinner. You can check
13 girls in up there.

14 Q Is there a fee for that?

15 A No, you just have to eat off the dining
16 room menu.

17 Q And what is the Cheetah's policy behind
18 charging entertainers a VIP check-in fee?

19 A It's -- used to be \$5 for a half, \$10 for
20 a whole, and then I don't know what year they changed
21 it to 10 per check in, if you didn't sell champagne
22 and you checked in.

23 Q What is the purpose behind the entertainer
24 paying the club for a VIP check-in fee?

25 A So I guess if they would either go to

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1 stage or pay the fee. I don't know if there's a
2 purpose.

3 Q Is that a way for The Cheetah to earn
4 money?

5 A I think -- I can't speak for --

6 Q Or in this case the recipient of the VIP
7 check-in fee?

8 A Yeah, I mean --

9 Q Would you agree with that statement?

10 A The goal was to get girls on stage, yes.

11 Q We're talking about VIP check-in fees now.

12 A I understand.

13 If a girl went to VIP, she would not go to
14 stage. So, if you're not in VIP, you're not going to
15 pay \$10. If you're not in VIP, you're going to stage.
16 Nobody wants to give \$10 away, so if they weren't
17 checked in, they would go to stage.

18 Q I still don't understand how -- would you
19 agree with the statement -- what could be the purpose,
20 other than for Cheetah to get \$10 -- or whoever the
21 recipient is of the \$10?

22 MR. WARD: Object to the form. It's
23 argumentative. She just gave you a perfectly
24 valid reason. I'm sorry you don't understand
25 it, but she gave a perfectly valid reason.

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1 THE WITNESS: It was to get the girls on
2 stage.

3 BY MR. DUDLEY:

4 Q You would agree that the -- whoever
5 receives the VIP check-in fees benefited from that
6 policy?

7 MR. WARD: Object to the form.

8 THE WITNESS: The ones who checked in to
9 VIP?

10 BY MR. DUDLEY:

11 Q The person who received these VIP check-in
12 fees benefited from Cheetah's policy regarding VIP
13 check-in fees?

14 MR. WARD: Object to the form.

15 THE WITNESS: I would say, yes, they were
16 \$10 richer.

17 BY MR. DUDLEY:

18 Q How many VIP rooms were there prior to
19 April the 9th, 2016?

20 A How many VIP rooms? Four in the Loft.
21 There's one big room -- over the years it's changed.
22 On average, about eight to ten VIP rooms.

23 Q During the time you were there, did the
24 VIP check-in fees, the way you recorded and kept track
25 and the amount charged, did that change at all?

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1 A The way that this is done (indicating) is
2 2011, since I went back to night shift, 2011.

3 Q What happened before 2011?

4 A On day shift I didn't charge.

5 MR. BERNEY: Let the record reflect she's
6 pointing to Plaintiff's --

7 THE WITNESS: Exhibit 1, yes.

8 When I was day manager for eight and a
9 half years, I didn't charge missed set, VIP or
10 late fees.

11 BY MR. DUDLEY:

12 Q And are you saying on night shift --
13 you're just not aware of what happened before 2011 or
14 --

15 A I was day shift. I can only speak for
16 what I know. That's what I know.

17 Q You just know when you came in at night
18 shift in 2011, you were asked to do that?

19 MR. WARD: Object to the form.

20 THE WITNESS: This is how I did it to keep
21 organized. I don't know how other people did
22 it. This is how I did it.

23 BY MR. DUDLEY:

24 Q Well, let me ask you that. Who asked you
25 to put all of the late fees, VIP check-in fees and

1 missed stage fees and an itemized amount together and
2 give that to The Cheetah girls -- Cheetah Buck girls?

3 A Babs trained me as a house mom, so I would
4 have to say Babs. And Vanessa does hers this way; so
5 I'd say Babs and Vanessa.

6 Q Told you to do the same thing?

7 A Yes.

8 Q Until recently have you had any
9 discussions with Jack about the way you did that?

10 A No.

11 Q And you would agree that the way to prove
12 how much a particular entertainer was assessed in VIP
13 check-in fees would be to look at the documents -- the
14 first two pages of the documents you've identified as
15 Exhibit 1; is that correct?

16 A Yes.

17 Q For each shift?

18 A Yes.

19 Q I want to ask you some questions about the
20 tip-out policies before April the 9th, 2016. Would
21 you agree with the statement that it was Cheetah's
22 policy to -- well, for entertainers to tip house moms,
23 DJs and floormen each shift?

24 A Cheetah suggests 5 percent to the DJ.
25 Ours was \$5 each, and the floormen were \$15. And

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1 that's as far as I can remember back before April
2 the 9th, 2016.

3 Q You understood that Cheetah had a written
4 policy about tip outs to DJs, floormen and house moms?
5 Did you understand that?

6 A Yeah, right here (indicating).

7 Q Did you understand Cheetah had a policy
8 about that, a written policy?

9 A This is -- this sheet?

10 Q Did you understand The Cheetah had a
11 written policy?

12 A Are you talking about this sheet?

13 Q Did you understand The Cheetah had a
14 written policy about entertainers tipping out house
15 moms, floormen and DJs?

16 A And I ask, are you referring to this
17 sheet?

18 Q I'm not asking you about that sheet.

19 A Okay. Which sheet are you asking about,
20 which written policy?

21 Q I'm asking you whether they had a written
22 policy.

23 A The policy in 25 years has changed several
24 times.

25 Q We're talking about -- let's talk about

1 the period you were a house mom from 2011 until April
2 the 9th, 2016. Okay?

3 A Okay.

4 Q During that period of time did Cheetah
5 have a written policy regarding tip outs of DJs, house
6 moms and floormen?

7 A I don't know.

8 Q You don't know. All right.

9 Was it your job to go over Cheetah's
10 written policies with entertainers when you hired
11 them?

12 A Yes. I gave them a copy, and over the
13 years --

14 Q Gave them a copy of what?

15 A Of their policies.

16 Q Is that Exhibit 4?

17 A No. I mean, maybe in this time frame, but
18 they update them. I never updated them or wrote them.
19 I guess you'd have to find out who wrote this, the
20 years. I don't know. Here, it says \$10 to house
21 moms. Remember you have two.

22 Q I didn't ask that?

23 A Okay.

24 Q I want to know about whether you go over
25 this with entertainers when they're hired?

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1 A Yes.

2 Q You do?

3 A I do.

4 Q Okay.

5 A Similar. I can say similar.

6 Q What's different about the one you go over
7 with them?

8 A This one seems to be very lengthy, very
9 long. The one I give them is maybe four sheets. This
10 one is nine. I think we split it up when they retyped
11 them. The rules are basically the same.

12 Q What's different about the one you're
13 familiar with?

14 A I don't know. I'd have to see it.

15 MS. KOLLAS: I'm going to ask a question
16 real quick. Are you asking her to authenticate
17 this document, or are you asking -- she's said
18 20 times: It has changed. It is a
19 constantly-evolving document over the times,
20 even from the time of 2011 to 2016.

21 MR. DUDLEY: Are you objecting to the form
22 of my question?

23 MS. KOLLAS: I am. And I'm asking for
24 clarification, so we can absolutely go through
25 this the sixth time we've tried to do this

1 today.

2 MR. CHAPMAN: Well, I've also got
3 something to say about it, because, you know,
4 it's also my deposition, as well, and if there
5 are multiple forms of that document, they need
6 to be produced by the defendant. If there are
7 multiple forms of that document, they have not
8 been produced by the defendant. So we can only
9 ask questions about the documents that have been
10 given to us.

11 MR. DUDLEY: That incidentally everyone
12 says is the policy.

13 MS. KOLLAS: And for the record -- and I
14 agree with that. But what she has testified to
15 today is that this was not something that was
16 handed down from corporate. This is what her
17 and the other house moms did. For there to be
18 some sort of official --

19 MR. DUDLEY: Let's go off the record,
20 please.

21 MR. WARD: No.

22 MS. KOLLAS: No. I want this on.

23 MR. DUDLEY: Listen, you've made your
24 objection to it. If I ask --

25 MS. KOLLAS: No, I want to be very clear

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1 on the record. We're not trying to obfuscate
2 the issue.

3 What we're saying is: Yes, there are
4 multiple versions of this, but it may not exist
5 anywhere in time and space for production. I am
6 not part of the production team at all. What
7 I'm saying is, I represent her. I've heard her
8 say, and the record will reflect, that there
9 have been multiple versions of this document
10 that may or may not have ever made it to the
11 corporate level. It was an operating document
12 of the house moms.

13 It's the same with Exhibit 1. This is not
14 something that, from my understanding --

15 MR. DUDLEY: Let's go off the record.

16 (Discussion off the record.)

17 BY MR. DUDLEY:

18 Q Ms. Wood, all I want you to testify is
19 what you understand Cheetah's policies to be.

20 This is a document that Cheetah gave to
21 me. They tell me this is their policies, and I'm
22 asking you about it. That's all I'm doing. You tell
23 me what you understand it to be, what's different in
24 your mind.

25 Do you understand that?

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1 A Okay.

2 Q I'll ask you again. We'll start over with
3 this. Does Cheetah have a policy that entertainers
4 tip out house moms, DJs and floormen, and I'm talking
5 about the period of 2011 to April the 9th, 2016.

6 It's a simple question, yes or no, and
7 then you can explain.

8 A Okay. Yes. And I think this is one of
9 them -- they were updated a lot.

10 Q Thank you.

11 A With changes.

12 Q A second question was going to be: Was
13 that policy in writing?

14 A Yes.

15 Q All right. Do you understand Exhibit 4 to
16 be Cheetah's policies during the period of 2011 to
17 April the 9th, 2016, regarding tip outs to house moms,
18 floormen and DJs?

19 A And I'm saying that --

20 Q Answer that question, and then you can
21 explain it.

22 A Is this The Cheetah's policies, was my
23 question.

24 Q You don't have a question. I have a
25 question. You answer it. You can explain it if you

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1 want to.

2 A What was your question?

3 MR. DUDLEY: Would you read the question
4 back, please?

5
6 (The appropriate question was read back by
7 the court reporter as follows:

8
9 "QUESTION: All right. Do you understand
10 Exhibit 4 to be Cheetah's policies during
11 the period of 2011 to April the 9th, 2016,
12 regarding tip outs to house moms, floormen
13 and DJs?")

14
15 BY MR. DUDLEY:

16 Q Is Exhibit 4 The Cheetah's policy?

17 A I'm going to say I think so. I don't know
18 who typed this up.

19 Q Okay. What did you understand, since you
20 don't know whether this is their policy or not,
21 obviously, what did you understand their policy to be
22 regarding the tipping of house moms?

23 A Minimum five, suggested, to two of us.
24 Fifteen to the floormen.

25 Q I'm talking about house moms right now.

1 A Okay.

2 Q Five dollars to the house moms -- to each
3 house mom, correct?

4 A Suggested. But I've answered this like
5 three times.

6 Q Okay. If you'll go to Page 8.

7 MS. KOLLAS: In the same document?

8 MR. DUDLEY: Yes.

9 BY MR. DUDLEY:

10 Q Are you on Page 8?

11 A Yes, sir.

12 Q Can you look at the second bullet point
13 and read that out to me, please?

14 A Floormen tip out?

15 Q No, second -- well, actually it's the
16 first bullet point, I'm sorry.

17 A House mom tip out. Your next stop will be
18 the house mom desk to pay your fees, if any. Once
19 finished, it is customary to tip your house mom. Your
20 house mom is there for you, and if you are sick or
21 injured, she is there to help you do your job to the
22 best of your ability by listening when you need an ear
23 or giving advice, if you ask for it. Your job is not
24 easy, and your house mom is there to do whatever she
25 can to help you and keep each shift running as

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1 smoothly as possible for everyone. You can find the
2 house mom's tip bucket on her desk. Minimum for house
3 moms is 10. Please remember you have two.

4 Q Does this refresh your memory at all about
5 what Cheetah's policies were regarding the tipping of
6 house moms?

7 A And I answered suggested \$10.

8 Q No, that's not what you testified to. Is
9 that what you're testifying to now?

10 A That is what I've testified all day to.

11 Q All right.

12 A Five dollars. There's two of us. So it's
13 \$10 divided by two -- five and five.

14 Q All right. Let's go over the last two
15 sentences of that bullet point?

16 A Yes.

17 Q Read me the second to the last sentence.

18 A Minimum for house moms is 10.

19 Q All right. And then read the second one.

20 A Please remember you have two. So 10
21 divided by two is five.

22 Q All right. Is that the way you read that?

23 A Absolutely.

24 Q All right. Can you understand that maybe
25 an entertainer would read that rule differently?

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1 MR. WARD: Object to the form.

2 THE WITNESS: No.

3 BY MR. DUDLEY:

4 Q But you do agree that it says minimum for
5 house moms is \$10?

6 A Yes.

7 Q What does "minimum" mean to you?

8 A That's -- if you're not making -- if girls
9 made zero, know that they tipped me zero. If girls --

10 Q What does the word "minimum" mean to you?

11 A Minimum. But know that zero is the
12 minimum that they tipped, because I lived it. If they
13 didn't make it, they didn't give it to me.

14 Q Are you confused at all by the statement
15 "Minimum for house moms is \$10"?

16 A No.

17 Q Do you think an entertainer would be
18 confused at all by reading the statement "Minimum for
19 house moms is \$10"?

20 MR. WARD: Object to the form.

21 THE WITNESS: No.

22 BY MR. DUDLEY:

23 Q It's your understanding that floormen were
24 tipped \$15?

25 A Correct.

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1 Q And is that the total for all the
2 floormen?

3 A Yes.

4 Q And is it your understanding that that was
5 a minimum?

6 A It was 15.

7 Q Minimum?

8 A Suggested. If girls gave more --

9 Q Suggested minimum?

10 A Suggested was 15. But know that, once
11 again, if they didn't make money, they didn't have to
12 tip out.

13 Q What did you tell entertainers that you
14 hired they were supposed tip the floormen?

15 A You know, that there's five floormen.

16 Q So what would you tell them they should
17 tip out the floormen?

18 A They tip out the floormen -- they get a
19 big sister, so their big sister would take them
20 around --

21 Q I'm not asking about the big sister. I'm
22 asking about what you told them to tip the floormen.

23 A The big sisters usually would take them
24 through that process the first night.

25 Q That's not responsive to my question.

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1 A Okay.

2 Q You can answer my question and then you
3 can explain it to me, whatever the big sisters do.

4 A Okay.

5 Q But my question to you is: What did you
6 tell the entertainers to tip the floormen?

7 A 15 --

8 Q Thank you.

9 A -- was suggested.

10 Q That's what you told them to tip the
11 floormen?

12 A Yes.

13 Q Okay. Now, you've talked about -- what
14 did you call them? Big sisters?

15 A Uh-huh.

16 Q What did the big sisters tell the
17 entertainers to tip the floormen?

18 MR. WARD: Object to the form.

19 THE WITNESS: I don't know.

20 BY MR. DUDLEY:

21 Q Why were you mentioning them?

22 A Usually, it was somebody that they knew.
23 You don't just wake up and say, I'm going to be a
24 dancer today. So usually if -- you know, when I
25 started there, my friend bartended and said, Holly,

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1 you should come to The Cheetah. It's usually their
2 friend. So their big sister would be their friend to
3 guide them through. Hey, you've never been naked in
4 front of a room full of people, let me be your big
5 sister and show you how to do this. It's rewarding
6 financially, but it's hard.

7 Q What have the big sisters got to do with
8 my question about what floormen are tipped?

9 A I think that was probably the Number 1
10 question every night. Who -- you know, who do I tip
11 out? Who do I -- girls that worked at other clubs,
12 that's the first thing they asked when they even
13 called for a job is what are your house fees, what are
14 your tip outs.

15 Q Go to Page 7 of Exhibit 4, please.

16 A (Complies.)

17 Q If you could read the last bullet point?

18 A DJ tip out. Tipping the DJ is customary
19 just based on how well you did. There is a tipping
20 chart on the house mom's desk. If you are not sure
21 what you should tip out, keep in mind that the
22 customers wouldn't even know what was going on without
23 the DJ. He is constantly reminding them to tip you
24 and also lets them know you are available for dances.
25 You can tip the DJ through the house mom when you do

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1 your check out.

2 Q Is that an accurate statement of --

3 A It is.

4 Q -- Cheetah's policy regarding tipping out
5 of DJs?

6 A I agree with it.

7 Q Okay. And --

8 A And, like I said, I don't know who typed
9 this, but I agree with that.

10 Q And what were -- what was each entertainer
11 supposed to tip the DJ?

12 A Five percent, and it capped off at \$50.

13 Q Okay. And that was a chart -- was that on
14 a chart that was kept in the dressing room?

15 A Uh-huh.

16 Q Who prepared that chart, do you know?

17 A I don't know. I would guess if I would
18 say.

19 Q All right. 5 percent was the minimum?

20 A Suggested. Mandatory -- tipping was not
21 mandatory. It was suggested.

22 Q And you understand that that chart you're
23 talking about has in letters across the top of it,
24 "minimum 5 percent."

25 You understand that, don't you?

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1 A I'm not sure what it says. It's been a
2 long time, but it said probably DJ, 5 percent -- if it
3 said \$100, \$5, and I think it said -- and they took it
4 down years ago -- someone stole it.

5 Q No, they took it down the week before I
6 deposed your boss, is when they took it down. I'll
7 represent that to you.

8 MS. KOLLAS: Objection.

9 THE WITNESS: But if you made -- it capped
10 off at 50. So if you made a thousand, it capped
11 it off at 50.

12 BY MR. DUDLEY:

13 Q Okay. Are you sure that's what it said?

14 A Yes. And know that 1 percent of the girls
15 might have given him more than 50, ever. To get 51
16 would have been a miracle.

17 Q And tell me how the valet parking worked.
18 There was a \$10 fee to be indoors; is that right?

19 A Three dollars to park, and it's your
20 choice. If you're parked outside, it's \$3. You don't
21 have to tip them, but if you want to tip them, most
22 girls outside tip two.

23 Q Okay.

24 A Inside, I give \$10 a day, and I think
25 other house moms tip more than me.

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1 Q We're not talking about the tip. Tell me
2 what the parking charge is first.

3 A Three dollars.

4 Q Three dollars parking, and then you're
5 saying there's a \$10 tip if you're inside?

6 A No, I give 10, and they park my car
7 inside.

8 Q All right. So the fee for parking inside
9 is 10?

10 A Yes.

11 Q How much is the tip for parking?

12 A No, no. The fee is three, no matter where
13 you park.

14 Q Okay.

15 A If you want your car inside, 10, and I
16 guess they take their three and pay the lot fee.

17 Q So that three includes the tip to the
18 valet?

19 A I guess the valet would get a \$7 tip.
20 I've never asked them. I just give him 10 a day.

21 Q All right. Let me -- I'm sorry, I just
22 want to make sure I get this right. If you're parked
23 outside, you pay \$3 to park, correct?

24 A Correct.

25 Q And do you pay a tip for parking outside?

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1 A You'd have to ask somebody that parked
2 outside, but I think it's -- most girls tip two
3 outside. Some may tip a dollar. They may tip four.

4 Q Okay.

5 A I don't know, because I park inside, and I
6 give 10.

7 Q But they do pay \$3 and maybe a tip for
8 parking outside?

9 A Maybe a tip, yeah.

10 Q All right. For parking inside they pay
11 \$10?

12 A Yes. Or you can take Uber, a cab, Lyft.
13 Some people pay the parking meters next door, but
14 that's stupid.

15 Q The \$10 fee, is there a tip on top of
16 that?

17 A No, I give 10. I don't know if anybody
18 gives more than 10, because I can only speak for me.
19 I'm sure we all parked different today when we got
20 here.

21 Q Do you understand the difference between
22 everyone here paying a parking fee and Cheetah
23 entertainers paying a parking fee?

24 A I guess if I worked here -- Kevin, you
25 work here.

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1 MR. WARD: I'm sorry? What was the
2 question for me?

3 MS. KOLLAS: I'm going to object to --
4 BY MR. DUDLEY:

5 Q Do you understand the difference
6 between --

7 A No, I don't.

8 Q -- how that affects the employee? Do you
9 understand the difference?

10 A No, I've always paid for parking. It
11 would be nice not to.

12 Q Do you understand that in this case we
13 contend that the parking fee is inappropriate, because
14 it drops the entertainer's wages below the minimum
15 wage.

16 Do you understand that?

17 MR. WARD: I object to the form. It's not
18 a question that she can answer.

19 THE WITNESS: Yeah, I don't understand
20 that.

21 MR. DUDLEY: It is a question.

22 BY MR. DUDLEY:

23 Q Do you understand that.

24 A I said I don't. I don't understand that.

25 Q Can you tell me why Cheetah has a tip-out

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1 policy for house moms?

2 A Customary.

3 Q You would agree that Cheetah benefits from
4 that policy, in the sense that it may be less in wages
5 or compensation they have to pay you?

6 Do you understand that or would you agree
7 with that statement?

8 A So the statement is, if I agree with your
9 opinion of The Cheetah benefits --

10 Q Do you agree that the tipping policy to
11 house moms may benefit Cheetah in the sense that they
12 don't have to pay you as much?

13 MR. WARD: Object to the form.

14 THE WITNESS: The Cheetah --

15 BY MR. DUDLEY:

16 Q Yes or no, and you can explain your
17 answer.

18 A I think that The Cheetah --

19 Q Yes or no, and you can explain your
20 answer.

21 A I don't know if The Cheetah benefits.

22 Q Okay. Would you agree with the statement
23 that by entertainers paying part of your compensation
24 that it shifts the labor cost for Cheetah?

25 MR. WARD: Object to the form.

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1 THE WITNESS: So I'm agreeing with your
2 statement --

3 BY MR. DUDLEY:

4 Q I'm asking you whether you agree with that
5 statement. If you want it read back to you or you
6 don't understand it, let me know.

7 A Okay. So, am I agreeing that their labor
8 costs are lower, because they pay us less? I've only
9 worked here. I've not worked at other clubs. But
10 other clubs' tip outs are way more.

11 Q Is that your answer?

12 A That's my answer. I think everybody makes
13 more than minimum wage.

14 Q You would agree that house moms benefit
15 from the tip-out policy?

16 A I agree.

17 Q Would you agree with the statement --
18 well, let me ask you this: What do you think the
19 purpose behind entertainers tipping the floormen --
20 what's the purpose in that rule?

21 A Entertainers tipping floormen?

22 Q Floormen.

23 A So the question is, what do I think the
24 purpose is?

25 Q Yes. Why does Cheetah have that rule?

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1 A Because we work hard for the entertainers.

2 Q I'm talking about floormen.

3 A They work hard for the entertainers and
4 keep them safe during their shift.

5 Q Okay. And you don't think they're well
6 compensated for that, even without the entertainers
7 tipping them?

8 A I don't know what the floormen make an
9 hour.

10 Q But you believe entertainers should pay
11 part of house moms', floormen's, DJs', general
12 managers', night managers', day managers'
13 compensation?

14 A That would be my opinion, and I think that
15 the dancers make more than I make, they make more
16 than -- I think the waitresses make more than I make.
17 I'll put that on the record.

18 Q Do you think that's particularly unfair,
19 given the fact that they're not paid any wages at all
20 by Cheetah?

21 MR. WARD: Object to the form.

22 THE WITNESS: Do I think it's unfair?

23 BY MR. DUDLEY:

24 Q Yes. Do you think that's unfair?

25 A No, I do not.

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1 Q Do you know the purpose in having
2 entertainers tip out DJs?

3 A Do I know the purpose?

4 Q Yeah.

5 A Because they appreciate him, and it's
6 their -- they want to, because he helped them make a
7 lot of money.

8 Q Do you believe these entertainers would
9 voluntarily pay house moms, floormen and DJs if they
10 weren't required to?

11 A I think -- probably since April the 9th,
12 2016, nobody has to tip me. There is no suggestion or
13 anything.

14 Q And have your tips dropped since then?

15 A Yes.

16 Q I think you just answered my question,
17 didn't you?

18 A Yeah. They appreciate me, because I do a
19 hard job for them.

20 Q Would you agree with the statement that
21 most entertainers would not tip floormen, house moms
22 and DJs, if they weren't required to?

23 A I think they still tip me.

24 Q Less?

25 A Not the girls that -- they do tip less.

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1 Q Are there any records, to your knowledge,
2 on what entertainers tip house moms, floormen or DJs?

3 A Now?

4 Q Prior to April the 9th, 2016?

5 A No.

6 Q All right. After April the 9th, 2016,
7 what records exist to show what entertainers tip house
8 moms, floormen and DJs?

9 A I give a sheet to the floormen at 2:15
10 every night.

11 Q And what does that have on it?

12 A The girls' names in alphabetical order.

13 Q And it has the amounts they tipped to
14 each -- to a house mom, floormen and the DJ?

15 A No. They tip -- the floormen and DJ are
16 in a tip pool agreement, 10 percent.

17 Q All right. What documents exist to show
18 that post April the 9th, 2016?

19 A Nothing. They gave 15, usually at the
20 breathalyzer. It was suggested.

21 Q Please listen to my question.

22 I'm asking you what documents exist that
23 show how much an entertainer tipped to the DJ,
24 floormen or house moms post April the 9th, 2016?

25 A I don't know.

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1 Q You're not aware of any documents?

2 A I am not.

3 Q How long does it take a typical
4 entertainer to get ready for work?

5 A If I take an average, I'd say about an
6 hour, some take three.

7 Q So you'd give a range of one -- well --

8 A I would say average one hour.

9 Q Average one hour, okay.

10 And some take as long as three?

11 A That is correct.

12 Q Can you tell me what Cheetah's policy is
13 for covers?

14 A You can request off. You can have a valid
15 reason, doctor's note, hurt foot, school -- usually it
16 interferes with another job or school.

17 Our policy is, get your shift covered for
18 a valid -- if you didn't have a valid reason, the
19 girls would try to switch, but our policy was to be
20 there on your nights that you picked. Request off,
21 have a valid reason why, or be there for your shift.

22 Q Explain what a cover is first, if you
23 could?

24 A Cover would be switch. Like, if I
25 couldn't be there, have, you know, somebody cover me.

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1 Q A cover would be when an entertainer has
2 another entertainer cover her shift; is that right?

3 A Yes.

4 Q And that's a written policy of Cheetah's,
5 correct?

6 A I don't think I've ever seen a written --

7 Q Go to Exhibit 4, please.

8 A The girls started a -- what page?

9 Q I'm sorry, answer my question.
10 You're not aware of a written policy?

11 A Usually we didn't have a problem with it.
12 They would either request off or get it covered.

13 Q So, let me ask you again.

14 Did Cheetah have a policy requiring
15 entertainers in certain situations to get covers, yes
16 or no?

17 A No.

18 Q All right. If you could go to Exhibit 4,
19 please.

20 A (Complies.)

21 Q If you could go down to the second to last
22 bullet point on Page 2.

23 A Okay. Page 2 or Page 4?

24 Q Page 2.

25 A Okay.

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1 Q Second to last bullet point, second
2 paragraph, where it starts "if you have a valid
3 reason."

4 A Uh-huh.

5 Q Could you please read that to me?

6 A If you have a valid reason for making
7 [sic] your shift, you must provide documentation to
8 your house mom. If not, you must get your shift
9 covered by another entertainer who is not scheduled
10 for that shift.

11 Q All right. Does that -- is that Cheetah's
12 cover policy?

13 A Over the years it's changed.

14 Q Please -- I'm just going to ask you: Is
15 that Cheetah's cover policy, and then you can explain.

16 A At one point The Cheetah -- I could help a
17 girl get a cover -- so if a girl couldn't come, I
18 would get girls to switch.

19 Q Is this Cheetah's cover policy?

20 A If you did not have requested off --

21 Q Yes or no, please.

22 A Yes.

23 Q Okay. Would you like to explain that
24 further?

25 A It's changed over the years.

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1 Q Okay.

2 A I could get a cover, the girls could get a
3 cover.

4 Q Okay. All right. But the fact of the
5 matter is, it's a pretty simple policy. If it's
6 unexcused, you've got to get it covered, right?

7 A Uh-huh.

8 Q Is that a yes?

9 A Yes.

10 Q And April the 9th, 2016, they continued
11 that policy, correct?

12 A They are responsible to get their shifts
13 covered.

14 Q I can pull out the written policy and show
15 it to you, but would you agree that they have the same
16 exact policy that --

17 A All they really have to do is text or call
18 me and tell me their reason. 99 percent of the time I
19 give them the night off.

20 Q The written policy after April the 9th,
21 2016, is that a Cheetah dancer had to get a cover if
22 she had an unexcused absence, right?

23 A If she had an unexcused -- yeah, if they
24 wanted to go out to eat --

25 Q Is that a yes?

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1 A Yes, they got covers.

2 Q Okay. And that was Cheetah's --

3 A But I had girls that didn't get a cover.

4 Q I'm asking you what their policy is.

5 A That -- it really -- girls got covers,
6 requested off, called in -- I mean, like any other
7 job. If you called in, who would you call?

8 (Plaintiff's Exhibit 5 marked for
9 identification.)

10 BY MR. DUDLEY:

11 Q Do you recognize what's been marked as
12 Exhibit 6 --

13 A Yes.

14 Q -- Plaintiff's 6.

15 Is this International Follies, Inc.
16 Entertainer Employee Policies for the period after
17 April the 9th, 2016?

18 A Yes.

19 MR. WARD: I'm really afraid to comment
20 about numbers, but it's five.

21 MS. KOLLAS: Exhibit 5.

22 MR. DUDLEY: I'm sorry, it's Exhibit 5.

23 I appreciate that constructive criticism.

24 BY MR. DUDLEY:

25 Q If you go down to after -- roughly the

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1 middle of the page where it says "failure to report to
2 work"?

3 A Okay.

4 Q Read that second paragraph.

5 A All employees are required to report to
6 work according to their assigned schedules. If for
7 any reason an employee cannot report to work, the
8 employee must notify a manager or a house mom to make
9 arrangements for a substitute to cover her shift. Not
10 reporting -- do you want me to keep going?

11 Q Yes.

12 A Not reporting to work as scheduled, or
13 failing to cover a shift will result in a disciplinary
14 action. An employee who fails to report to work for
15 three consecutive scheduled shifts without notifying a
16 manager will be presumed to have abandoned her
17 employment or her employment may be terminated.

18 Q Was that Cheetah's policy regarding
19 covers?

20 A Yes, one of them. This is one of our
21 policies I've had over the years, but after April.

22 Q I'm talking about the period after April
23 the 9th, 2016.

24 A Yes.

25 Q This is the policy you go over with

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1 entertainers?

2 A This is what I give them.

3 Q You give entertainers this policy?

4 A (Nods head.)

5 Q Do you recognize this one?

6 A I do.

7 Q And you go over it with them?

8 A Yes, I give it to --

9 Q And you tell them they've got to adhere to
10 this, right?

11 A I ask them if they have any questions.

12 Q Right? Do you tell them they have to
13 adhere to this?

14 A Yes. I ask them if they have any
15 questions about the policies.

16 Q And if they have questions, you answer
17 them?

18 A I do.

19 Q And you tell them what the policy is?

20 A Yes.

21 Q To sum all this up, you would agree that
22 at least since 2011, Cheetah has had a policy
23 requiring entertainers to get a cover if they have an
24 unexcused absence?

25 A I don't know the year -- I'm sure you know

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1 the girls created an app we have nothing to do with.

2 Q Well, actually, you do have something to
3 do with it, don't you?

4 A No, I think -- they started an app to
5 cover the shifts. I tried when I was day manager, and
6 nobody wanted to do that. I tried with waitresses and
7 bartenders, as well, to make it easier. Instead of
8 having a hundred people calling and texting my
9 personal phone, Jack gave us a work phone in 2015, and
10 then I said these apps -- let's use these apps that
11 are out there for scheduling.

12 The one I tried to use was -- I can't
13 think of the name of it. We had a meeting with this
14 guy, his name was Jeff. What was the name of that
15 company? Anyway, no, the shift messenger the girls
16 started on their own. And then I'm like, the shift
17 has nothing to do with The Cheetah. It is run by the
18 girls to cover each other's shifts.

19 Q Okay. Let's go back to some of the things
20 you just said. And before we do that, tell me how --
21 if an entertainer needs to get a cover, tell me what
22 she does with you.

23 A She could call and tell me her reason why.
24 If it was a female problem, kid problem, school
25 problem -- usually I'd say just, hey, switch out the

1 night with me. But there are some -- not everybody
2 would call or text me. Since 2015, they call the desk
3 phone, so only who is working, you know, gets the
4 phone. Or a lot of them will say, if I come in, you
5 know, at 8:00, can I leave by midnight. They would
6 text you what their availability was.

7 Q Okay. So the entertainer contacts you
8 either by phone or text and says, I'm not coming in to
9 work tonight, I'm going to get a cover?

10 A Yes.

11 Q And you ask who the cover is?

12 A When they call in with their cover?
13 Usually they'll say so-and-so is covering me, or
14 so-and-so and I are switching.

15 Q All right. And you keep track of who the
16 cover is, right?

17 A I do.

18 Q If the dancer is not going to be there --

19 A I do.

20 Q -- and that a named cover is going to
21 substitute for her?

22 A I do.

23 Q And you put that in your journal or your
24 house mom books?

25 A That only goes on the daily schedule, the

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1 daily sheet.

2 Q How do you keep track of it at night?

3 A On the daily sheet.

4 Q Okay. So is there a daily sheet out there
5 that shows all the covers?

6 A Yes.

7 Q All right. Do you have those sheets?

8 A I don't.

9 Q Who has those?

10 A Sam would probably have them, and that's a
11 guess.

12 Q Why would Sam have them? She's a day
13 shift person, why would she have them?

14 A Because I turn them all in, and she types
15 them all in.

16 Q Types them all in to what?

17 A I don't know. I give them to Sam. I
18 leave them all together and put them in a folder every
19 Saturday night.

20 Q You would agree that if -- do you
21 understand that these clients I'm representing are
22 asking to be reimbursed for covers?

23 A I found that out about a week ago.

24 Q You understand -- you would agree with the
25 statement that the records you keep are relevant to

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1 that inquiry?

2 A And I said that a week ago to Sam. Well,
3 you have who covered who, and I don't know for how
4 much --

5 Q I'm not blaming you for these document
6 problems. I think you're totally innocent. That's
7 not my concern here.

8 A I don't know how much they paid. We could
9 go back and look at text messages, because usually
10 they say, you know, Fiona is covering for 40.

11 And I'm like, how did y'all even start
12 paying each other? I would hurt Heather or Vanessa if
13 I had to pay them to cover me.

14 Q So you kept a record of --

15 A Who covered who. I could go back --

16 Q -- who covered who and how much they paid?

17 A No, I don't know how much they paid. That
18 has nothing to do with the Cheetah. That's on their
19 own accord. How much they paid each other is --

20 Q Well, Cheetah requires a cover, and if the
21 only way they get the cover is to pay for it, they've
22 got to pay for the cover, right?

23 MR. WARD: Who is "they"?

24 THE WITNESS: No, they don't have to pay
25 for a cover. I have girls that have never paid

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1 for a cover.

2 BY MR. DUDLEY:

3 Q Well, you have had ones who have paid for
4 a cover, right?

5 A That's on their accord.

6 Q I think what you're saying is, if they
7 don't want to be at work it's on their accord. But
8 you're not saying that if they don't want to be at
9 work, they don't have to get a cover. You're not
10 saying that, are you?

11 MR. WARD: Object to the form.

12 THE WITNESS: They have -- what I'm saying
13 is they have to call me as their boss. If they
14 worked at McDonalds, they would have to call
15 their boss and say where they are and why or get
16 so-and-so to work for them.

17 BY MR. DUDLEY:

18 Q You are aware, and you have been aware for
19 a very long time, that when girls get covers -- and
20 I'm referring to entertainers -- that they have to pay
21 for it on many, many occasions.

22 Do you disagree with that statement?

23 A No.

24 Q Okay. You do not keep records of the
25 amounts they paid for their covers, right?

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1 A Right. Because they did not have to pay
2 for it.

3 Q I'm not asking you why.

4 A Okay.

5 Q That's a matter of opinion about whether
6 they had to pay for it or not. I disagree with you.

7 MR. WARD: I object to the form on that.

8 THE WITNESS: If you want my opinion, I
9 can tell you my opinion.

10 BY MR. DUDLEY:

11 Q I understand your opinion.

12 But the fact of the matter is, if the girl
13 does not get the cover, what happens to her?

14 A If she gets three in a six-month period?

15 Q What happens to her?

16 A They can either get written up, suspended,
17 or if they're repeat offenders abandon their job.

18 Q And the fact of the matter is that some
19 girls have been disciplined for not getting a cover?

20 A After April 2016, yes.

21 Q Before April the 9th, 2016, too, girls
22 were disciplined for not getting a cover, were they
23 not?

24 A They never got written up.

25 Q Well, Cheetah doesn't normally write

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1 people up, do they?

2 A Since April of 2016 we do.

3 Q Well, when I say "discipline," I don't
4 mean it's limited to a writing. They are reprimanded
5 for not having a cover and possibly suspended or
6 terminated, are they not?

7 A I have never suspended or terminated.

8 Q Do you keep a house mom journal?

9 A I do.

10 Q Are there not references in there to
11 disciplinary action being taken against people who
12 didn't get covers?

13 A Very few. Most of them -- I mean, if they
14 don't come to work --

15 Q Very few. Does that mean it happens?

16 A I'm sure a girl that abandoned her job
17 would be written in there, that didn't show up --

18 Q We're not talking about abandoning her
19 job. We're talking about somebody who didn't get a
20 cover. They are disciplined, are they not?

21 MR. WARD: I object to the form. It's
22 argumentative. She told you the answer.

23 MR. DUDLEY: No, she didn't.

24 THE WITNESS: I did.

25 MR. DUDLEY: She said two different

1 things.

2 MR. WARD: You're changing her answers. I
3 mean, it's just -- listen to what she says.

4 BY MR. DUDLEY:

5 Q You admitted that in the house mom
6 journals there are references to women entertainers,
7 in particular, being disciplined for not paying
8 covers. You admitted that, right?

9 A No, I don't know.

10 MR. WARD: Object to the form.

11 MR. DUDLEY: If you deny it, it's fine.
12 The records speak for themselves.

13 (Simultaneous crosstalk.)

14 MR. WARD: Hold on. That is a gross
15 mischaracterization of her testimony. You are
16 hearing fantasy.

17 MR. DUDLEY: It is a question.

18 MR. WARD: No, no. Your question was you
19 admitted --

20 MR. DUDLEY: Could you read back my
21 question to her, please?

22 MR. WARD: Read back the question where he
23 says she admitted, and listen to this read back.

24 MR. DUDLEY: I just asked you if you
25 admitted that.

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1
2 (The appropriate question was read back by
3 the court reporter as follows:
4

5 "QUESTION: You admitted that in the house
6 mom journals there are references to women
7 entertainers, in particular, being
8 disciplined for not paying covers. You
9 admitted that, right?")
10

11 MR. WARD: For not paying covers.

12 MS. KOLLAS: For not paying covers.

13 MR. WARD: That was a gross
14 mischaracterization -- on the record. The
15 statement for not paying covers is a gross
16 misstatement and intentional misstatement of the
17 record.

18 BY MR. DUDLEY:

19 Q Ms. Wood, I don't want you to state
20 anything that you don't think to be true. I'm asking
21 you --

22 A Nobody has ever been in trouble for not
23 paying a cover.

24 Q Let me finish, because I want it to be
25 clear. I asked you whether there are references in

1 the house mom journals to entertainers being
2 disciplined for not paying covers. Are you telling me
3 that they are not in the journals?

4 MR. WARD: Object to the form.

5 BY MR. DUDLEY:

6 Q That's all I'm asking.

7 A I don't know.

8 Q That's a different answer.

9 Okay. Do you have records of
10 correspondence with entertainers about covers -- text
11 messages, e-mails, anything like that?

12 A No on e-mails. Texts, the girls might
13 have texted it to the house mom phone, but the main
14 thing is the shift app. The girls have their shift
15 apps. It's called Shift Messenger. They let me on
16 for a short time, and then kicked me off.

17 Q Well, on my phone, you're still on it.

18 A They won't let me on. Do you want me to
19 show you?

20 Q Well, I just looked at it.

21 A It may show my name, but they kicked me
22 off about -- oh, my years run together. I'd say about
23 a year ago.

24 Q So how long were you on it?

25 A I was never on it, never was on the app.

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1 But girls would not tell me -- the big
2 miscommunication was that it had something to do with
3 The Cheetah. It didn't. And I'd say, I don't know,
4 who was your cover? And they'd be, like, so-and-so;
5 it was on the app. We're not on the app. And I'd say
6 that every night. I'd put up signs. I am your
7 manager, not the Shift Messenger, because they did not
8 have to pay for a cover.

9 MR. WARD: Did you say you're on the app?

10 MR. DUDLEY: No, I'm not.

11 THE WITNESS: One of the girls let me on
12 the app, but then she kicked me off. I can't
13 see anything on the app.

14 MR. DUDLEY: But I'm seeing her.

15 MS. KOLLAS: But you said she's still on
16 the app?

17 MR. DUDLEY: Yeah. Let me correct that.
18 I don't know.

19 THE WITNESS: I'm not on the app.

20 MR. DUDLEY: Your name comes up on it.
21 That's all I'll say.

22 THE WITNESS: She let me on for like a day
23 or two, and I think the dancers didn't like me
24 on there. I think they talk bad about us.

25 BY MR. DUDLEY:

1 Q But for a certain period of time you were
2 on the app?

3 A Michelle Riley let me on the app. I don't
4 know if she started it -- and I said that would be
5 really helpful. And I should have changed my name.
6 They quickly kicked me off.

7 Q Okay.

8 A Some people --

9 Q What do you use The Cheetah-provided phone
10 for?

11 A The house mom phone?

12 Q I don't know -- is that what it is?

13 A Because girls were calling my phone at
14 5:00 in the morning, at noon, at 2:00. I get calls
15 about every 15 to 30 minutes.

16 Q All I'm asking is what was The Cheetah
17 phone used for?

18 A So they'd stop texting our personal
19 phones.

20 Q Okay. So this is something you used for
21 business and predominantly for contact with
22 entertainers?

23 A Yes. And it's thousands of contacts. My
24 phone was getting full. At one point they talked
25 about paying for our cell phones, because the girls

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1 called us so much, but --

2 Q Do you keep your text messages?

3 A I do.

4 Q And do you send out mass text messages to
5 entertainers?

6 A Very rare.

7 Q But you do send out text messages to them
8 about covers?

9 A No. I'd say, are you on your way? If you
10 see a text on any of the documents that say OTW,
11 that's me, "on the way."

12 Q Okay.

13 A And if they don't report -- I give them
14 several opportunities, if they no call/no show, to
15 call them -- text or call, and say, hey, did you get a
16 cover? Did you talk to somebody else? Where are you?
17 Because, you know, usually if someone is not there for
18 two or three days, I'm genuinely concerned -- where
19 are you? Like, are you okay?

20 Q Now, have you ever disciplined -- you or
21 one of your fellow house moms or Cheetah, to your
22 knowledge, for not showing up for a cover?

23 A Have girls, like, supposed to cover and
24 wouldn't cover somebody.

25 Q And didn't show up for the cover?

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1 A I don't know. I guess give me a name, and
2 I can tell you. I mean, there's --

3 Q Well, you just tell me whether you can
4 recall ever disciplining an entertainer for not
5 showing up for a cover?

6 A I, personally usually say, oh -- as long
7 as they switch around and get their three nights in.
8 So let's say, oh, I forgot I was supposed --

9 Q Answer the question, and then you can
10 explain. Yes or no?

11 A Have I ever disciplined? I come to a
12 resolvment with the girls on, hey, you missed
13 Saturday, so make up Monday. I make a deal with them,
14 like, switch your day out with me. They'll be, like,
15 oh my God, I forgot I was supposed to cover Kelly.
16 Okay. Well, you can make it up Monday.

17 Q Are you aware of any other house moms that
18 have disciplined entertainers for not showing up for a
19 cover?

20 A I don't know.

21 Q Are you aware of Cheetah ever disciplining
22 an entertainer for not showing up for a cover?

23 A I don't know.

24 Q Do you know an entertainer named Ruby
25 Smith?

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1 A What did she dance by?

2 Q I don't remember. I wish I could help you
3 out. I just don't know.

4 A I know very few by their real names. Did
5 she work after April 2016?

6 Q I don't know that either. I believe she
7 did.

8 A She did? I don't recall her.

9 Q She was not suspended for two weeks for
10 not showing up for a cover?

11 A I don't know. I'd have to look it up.

12 Q Would that be something out of the realm
13 of possibility?

14 A I don't know.

15 MR. BERNEY: Can I ask one follow-up?
16 Where would you look that up, Ms. Wood?

17 THE WITNESS: The house mom log book,
18 which I don't know -- what years did she work
19 the club? That would help me.

20 MR. BERNEY: Would that change which
21 document -- which document or set of documents
22 you looked in, depending on the time?

23 THE WITNESS: Yeah, the year. We do
24 everything by the year.

25 MR. BERNEY: So -- but it's a house

1 logbook -- you have one for different years, you
2 maintain them on yearly basis?

3 THE WITNESS: A nightly basis, yeah.

4 MR. BERNEY: But the documents that we
5 would look for to see the information that
6 you're talking about, would be the house mom
7 logbooks; is that right?

8 THE WITNESS: Do what?

9 MR. BERNEY: Are they called the house mom
10 logbooks?

11 THE WITNESS: More like a communication,
12 because I'm there, like, four nights a week,
13 Heather there is four nights, Vanessa is there
14 four nights. If we ever take off, that way we
15 don't have to call and text each other a lot on
16 our time off with our families, so --

17 MR. BERNEY: What does this document look
18 like, physically?

19 THE WITNESS: It's a calendar. Sam's is
20 red. Ours is whatever Target has on sale. It's
21 a calendar. I think you probably have one in
22 there somewhere. But it would just say, hey,
23 Ruby Smith -- which we would not know her as
24 Ruby Smith -- whatever her dance name is --
25 missed two weeks of work.

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1 And I do a nightly -- a weekly log, a no
2 call/no show list, every week and e-mail that
3 every Saturday night. Who called in sick and
4 why, and if we had a no call/no show -- usually
5 it's a girl that moved out of town or abandoned
6 her job. Sometimes it would be a car wreck.
7 You know, like I say, usually it's genuine
8 concern for us texting them, where are you?

9 MR. WARD: Are you still answering his
10 question?

11 MR. BERNEY: Why are you interrupting her
12 answer?

13 MR. WARD: I thought -- she keeps getting
14 yelled at for not answering the specific
15 question.

16 MR. DUDLEY: Nobody is yelling at anyone.

17 MR. BERNEY: Go ahead, Ainsworth.

18 BY MR. DUDLEY:

19 Q What is the purpose of Cheetah's cover
20 policy?

21 A What is the purpose?

22 Q Yes.

23 A So we have a staff for the clients to --
24 for clients to come see The Cheetah girls.

25 Q It makes entertainers show up for work or

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1 find somebody to do it, right?

2 A Yeah.

3 Q And that benefits Cheetah, does it not?

4 A And the girls that show up to work.

5 Q It certainly doesn't benefit the girl
6 paying for it, does it?

7 MR. WARD: Object to the form.

8 THE WITNESS: They don't have to pay a
9 cover.

10 BY MR. DUDLEY:

11 Q Well if they do pay a cover --

12 A That's their choice.

13 Q -- do you think that benefits them?

14 A Depending on how much fun they had, I
15 guess; so it could benefit them.

16 Q All right. Do you know of any other
17 employer that makes people pay for people to come in
18 and work for them?

19 A We don't make them pay for covers.

20 Q Do you know of any employer that would
21 require somebody to come in and work for them, if they
22 can't be there?

23 A I don't know.

24 Q And you would certainly agree with the
25 statement that if you require people to pay for a

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1 cover and no one is willing to do it unless you pay
2 them, you're going to have to pay them to get the
3 cover. You agree with that, don't you?

4 MR. WARD: Object to the form.

5 THE WITNESS: I don't know if that was a
6 statement or a question, but we don't require
7 them to pay a cover.

8 BY MR. DUDLEY:

9 Q Now, the app you're talking about is a
10 perfect example of what happens when you require
11 people to get covers and you create a market for it.
12 It's all money driven, isn't it?

13 MR. WARD: Object to the form.

14 BY MR. DUDLEY:

15 Q It's a natural result of the policy, isn't
16 it?

17 MS. KOLLAS: Object to the form, again.

18 MR. WARD: Object to the form, as well.

19 THE WITNESS: I don't know. I could tell
20 you my opinion.

21 BY MR. DUDLEY:

22 Q I would love to hear your opinion. I
23 would love to, seriously.

24 A Okay. And I've said this. Girls came up
25 with the \$35 to cover their shift. It was to cover 15

1 to the floor, 10 to the house mom. So that's at 25,
2 and assuming they made 100, \$200, they would give the
3 DJ ten and the valet.

4 So that would cover -- girls would say --
5 and you could hear them talking. They don't have to
6 pay a cover, but you'd hear them talking: If you pay
7 my tip out -- so their tip out per night was \$35 -- if
8 you pay my tip out, I'll cover you; so then she's
9 coming to work, doesn't have to tip anybody out.

10 Q I get it. I mean, you don't have to
11 explain it.

12 A That's my opinion. I can't speak for who
13 started it or why. That's what I -- my opinion is.
14 But there are hundreds of girls that cover for no
15 money; they switch.

16 Q But there are no records of that, are
17 there?

18 A There is.

19 Q There is? Where are they?

20 A When they switch and say so-and-so -- if
21 two girls switch for each other, they don't pay each
22 other.

23 Q You don't know whether they pay each other
24 or not, do you?

25 A Well, I'm going to give you 40 to cover me

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1 and you're going to give me 40 or we can just switch.

2 Q You never know, do you?

3 A It's the same thing.

4 Q I mean, if we look at the time sheets that
5 we kept and we look at scheduled days and somebody is
6 not there, we can't tell from that sheet whether they
7 paid a cover or not, can we?

8 A I don't know who paid, because we didn't
9 make them pay. They just say who is covering them or
10 who they switched with.

11 Q We can't tell how much it was, correct?

12 A Yeah, because we didn't make them pay
13 them, so they didn't tell us how much they paid them.

14 Q And we can't tell whether somebody
15 switched out in lieu of money. We can't tell that
16 either, can we?

17 A If they say switch or cover -- usually if
18 it's a switch, there was no money.

19 Q Was there a record of that?

20 A Sometimes, yeah, in the phone.

21 Q Where is it?

22 A In the house mom phone.

23 Q Well, I'd ask you to get that to me, if
24 there's such a thing. We've asked for it.

25 A Okay.

1 Q Can you think of anywhere else there might
2 be that type of record?

3 A Just the two -- the house mom phone or the
4 Shift Messenger.

5 Q Were you aware that for a period of time
6 that floormen charged entertainers a referral fee for
7 referring VIP customers to them?

8 MR. WARD: Object to the form.

9 THE WITNESS: Was I aware?

10 BY MR. DUDLEY:

11 Q Were you aware that that went on?

12 A I think it's customary or common
13 knowledge. I didn't know how much or who.

14 Q All right. So your answer would be, yes,
15 you were aware of that, that it was customary or
16 common knowledge?

17 A (Nods head.)

18 Q Is that a yes?

19 A I can say yes to that, yeah.

20 Q Okay. And do you know what period of time
21 that system was in place?

22 A When I came to night shift in 2011.

23 Q Okay. Was it your understanding that it
24 was a 20 to 30 percent, or sometimes more, referral
25 fee?

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1 A No.

2 Q No, that was not your understanding or you
3 don't know what it was?

4 A No. I don't know what it was. It could
5 be 10 percent, 20.

6 Q You don't know?

7 A What I've been told in these proceedings
8 was 20 percent.

9 Q Okay. Do you agree with that policy?

10 A Personally, you know, I have my feelings
11 about it.

12 Q What are your feelings? That's what I'm
13 asking.

14 A I think 20 percent is a lot.

15 Q You think it's fair that an entertainer
16 should have to pay --

17 A I think they created it. It's the same as
18 the covering on the shift app. They created it.

19 Q You don't think the floormen created it?

20 A No, huh-uh.

21 Q Who is "they," when you say "they created
22 it"?

23 A Certain entertainers that are used to
24 paying the 20 percent at other clubs, came to our club
25 and said what they paid in Vegas and other clubs -- it

1 was customary to pay that. So, to them, it wasn't
2 like they were missing out on the money. They would
3 go up and say, hey --

4 Q I think what you're saying is there were
5 certain entertainers that may have been involved in it
6 to start, but do you blame entertainers down the road
7 who are in a system where the only way they're going
8 to get a VIP referral is if they have pay for it? Do
9 you blame them?

10 A Oh, I have hundreds of girls who have
11 never tipped a floorman more than the minimum.

12 Q I understand that. But they're not
13 getting VIP referrals from them, are they?

14 A You don't have to have a VIP referral to
15 get a VIP. They make a thousand dollars a night on
16 their own.

17 Q I understand you don't have to, but once
18 the system -- would you agree with the statement that
19 once you start this system to where floormen are paid
20 to refer customers to entertainers, that they're going
21 to keep referring customers to those entertainers who
22 pay them, correct?

23 MR. WARD: Object to the form.

24 THE WITNESS: No, I don't agree with that.

25 BY MR. DUDLEY:

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1 Q You don't think they have a financial
2 interest in doing that?

3 A The entertainers? I don't know.

4 Q The floormen, referring customers to them
5 that will pay them?

6 A I think they're being smart about it,
7 yeah; but no, I don't agree.

8 Q That's one way or you could say they're
9 taking advantage of people.

10 A I think there's entertainers that took
11 referral fees, too, not just floormen. I've had
12 entertainers take 20 percent from their friends for
13 referring them to a VIP. I've had waitresses take
14 money.

15 Q Well, that's not what I'm -- I'm sure all
16 kinds of things go on.

17 A I think it's their own accord. You know,
18 that's -- they don't have to do that.

19 Q But do you understand at some point
20 Cheetah tried to stop the policy or stopped the
21 policy?

22 A Do what?

23 Q Do you understand that at some point
24 Cheetah stopped the policy of allowing entertainers to
25 tip floormen --

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1 A Yes.

2 Q -- 20 to 30 percent?

3 A Yes.

4 Q You understand they stopped that?

5 A Yes. Well, I don't know what percentage.

6 Q Do you know why they stopped it?

7 A I don't know.

8 Q Why do you think they stopped?

9 MR. WARD: Object to the form.

10 THE WITNESS: I don't know.

11 MS. KOLLAS: Can I just take a point of
12 break? We've been going now --

13 MR. DUDLEY: Sure.

14 (Short break from 3:10 p.m. to 3:22 p.m.)

15 (Plaintiff's Exhibit 6 marked for
16 identification.)

17 BY MR. DUDLEY:

18 Q We've just labeled something Exhibit 6,
19 and I will submit to you that these are pages of house
20 mom journals that were produced in discovery.

21 A Okay.

22 Q The reason why I say that is because I
23 don't really know what they are, and I'm going to ask
24 you about it, and you tell me what you recognize.

25 A Okay.

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1 Q The first one, which is marked 2048, do
2 you recognize that page?

3 A I do.

4 Q All right. Tell me what that is.

5 A It's a calendar.

6 Q All right. And there are -- that's March
7 of what year, do you know?

8 A I don't know.

9 Q Can you tell me what's on this page?

10 A This is how girls request off for work.
11 That is the request-off book.

12 Q So are these covers or girls requesting
13 covers?

14 A You could allow -- between six to ten
15 girls. Now we've upped it on the weekends, 10 or 11
16 girls can ask off on a Saturday, because we have more
17 girls scheduled, but up to six girls on any of these.
18 And you can see the only cover on here says Casey for
19 Daria, which means they probably switched. On the 7th
20 it says extra Sailor, extra Haley. Means that they
21 switched a day out with me. It's my handwriting. So
22 if they called in on, like, Saturday, they said, but
23 I'll give you the 7th, and I took that deal.

24 Q So are these excused absences?

25 A They're excused if they're requested off,

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1 yes.

2 Q All right.

3 A But not all of them are absences. Like,
4 two girls are picking up on -- this is --

5 Q All I'm trying to find out here is whether
6 this is involved in the cover process at all. From
7 what I understand you're saying, these are girls who
8 are off, do not need a cover?

9 A Yes. So on example --

10 Q Yes?

11 A Yes.

12 Q Okay. Are there some girls on there that
13 did have to get a cover?

14 A That are on here?

15 Q Yes.

16 A No.

17 Q I thought you said on the 7th --

18 A Two girls are picking up extra. See where
19 it says extra Sailor and Haley? They're just picking
20 up.

21 Q So those girls are not scheduled, and you
22 just write down who they are?

23 A Yeah, like, if they missed a shift --
24 like, if I went over my six, I could go over, and if
25 they missed -- I'm assuming that they missed Saturday

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1 and picked up Tuesday in lieu of Saturday.

2 And, for example, on the 1st I had room
3 for -- so on Wednesday, March 1st, nobody should have
4 paid a cover anywhere, because there were still room
5 for four girls to request off.

6 So any day that you don't see at least
7 six -- on the 21st, I still had room for four girls to
8 take off.

9 Q Okay.

10 A So nobody should have needed a cover on
11 Wednesday -- on the 1st, the 7th, the 21st, the 27th
12 and the 28th, nobody needed a cover because I still
13 had room in my book to request off.

14 Q So, at best, what this shows me is that --
15 certain dancers who were excused for showing up for
16 their shift, right?

17 A This is my request-off calendar, yes.

18 Q Okay.

19 A And I still had availability on -- two,
20 three, four -- five.

21 Q Do you have something similar that shows
22 who was covering and who was being covered?

23 A We have the daily sheet.

24 Q Is that part of the calendar?

25 A No.

1 Q That's a separate document?

2 A Yes.

3 MR. DUDLEY: Kevin, do you intend on
4 producing those to us?

5 MR. WARD: What is that now?

6 THE WITNESS: The daily sheet.

7 MR. WARD: Are those the ones in the five
8 boxes?

9 THE WITNESS: I don't know.

10 MR. WARD: I mean, I've brought everything
11 that I've been given.

12 MR. DUDLEY: Well, she says they have
13 sheets that show covers and who covering.

14 MR. WARD: Yeah. I've got -- whatever
15 they have, I've put in boxes and brought here,
16 and they've been looked at, so that's what I've
17 got.

18 MR. DUDLEY: That doesn't do me any good.
19 Am I going to get them?

20 MR. WARD: You sent -- I'm sorry, what's
21 your name again?

22 MR. CHAPMAN: Mike.

23 MR. WARD: Mike.

24 You sent Mike --

25 MR. CHAPMAN: In one specific case, for

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1 which I have a protective order.

2 MR. DUDLEY: That's not what we're talking
3 about.

4 MR. WARD: Well, I don't know what she's
5 talking about. Whatever I've got is in boxes as
6 far as I know. Either it's produced or it's
7 coming.

8 MR. DUDLEY: Kevin, we're not talking
9 about the sign-in sheets.

10 MR. CHAPMAN: It's not the sign-in sheets,
11 I don't think. I think that's what you've
12 produced is the sign-in sheets.

13 THE WITNESS: No, no, the daily schedule.
14 Like it would say Monday.

15 MR. CHAPMAN: Which girls were supposed to
16 work on a Monday?

17 THE WITNESS: Yeah.

18 MR. CHAPMAN: You would have that on a
19 schedule?

20 THE WITNESS: Yeah.

21 MR. CHAPMAN: We haven't seen that.

22 MR. WARD: Is that an all-caps kind of
23 thing.

24 THE WITNESS: I don't know.

25 MR. WARD: What's it called?

1 THE WITNESS: I don't know what it's
2 called.

3 MR. CHAPMAN: She said it was a daily
4 schedule.

5 MR. WARD: Can we go off the record for
6 this?

7 (Discussion off the record.)

8 BY MR. DUDLEY:

9 Q All right. Ms. Wood, you have testified
10 that there is what you call a daily schedule sheet,
11 and it indicates who were covers per shift and who was
12 covered per shift, correct?

13 A On -- not this sheet.

14 Q A document exists that you maintained that
15 shows who the cover was and who was covered, correct?

16 A If we got that information, yes.

17 Q That's what I'm asking you. Do you have
18 it or do you not have it?

19 A Yes.

20 Q You have the information?

21 A I don't have it. I turned it in to Sam.
22 I answered that earlier. That's what I turn in to Sam
23 at the end of the week.

24 Q And you call it the daily schedule sheet?

25 A Yeah.

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1 Q Does that have the dollar amount that
2 somebody paid for a cover?

3 A No. We don't know what they pay.

4 Q Well, I want to ask you about that,
5 because my understanding is house moms sometimes are
6 given the money by the entertainer to pay the cover?

7 A We used to, if they would put it in an
8 envelope or a Post-It note. But what happened was,
9 one time a girl said she paid it, and didn't, and said
10 that we did, and that's false. So I said, I'm not
11 getting involved. It has nothing to do with us.

12 Q All right. But at some point in the
13 process, you were involved in the actual payment of
14 the covers?

15 A A couple times.

16 Q All right.

17 A And I stopped it when there was one
18 discrepancy, and I said, no, I'm not giving her -- she
19 would hand me an envelope, here, pass this off to
20 Farrah or whatever.

21 Q But you knew it was an envelope with money
22 in it?

23 A Yeah, but they --

24 Q Yes?

25 A Yes.

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1 Q And other house moms did the same thing?

2 A I guess so.

3 Q If you don't know, you can tell me. I
4 mean, I would assume you worked with another house
5 mom, right?

6 A I'm going to say that she did what I did.
7 She can --

8 Q Okay. Are there any other documents
9 showing covers or people who were covered or amounts
10 paid as covers?

11 A No.

12 Q If you'd turn to the next page Bates
13 stamped 2045.

14 A (Complies.)

15 Q Can you tell me -- up near the top it has
16 Heather/Megan. Can you tell me who those people are?

17 A Heather and Megan are house moms.

18 Q All right. And there's a number under
19 there that says 58.

20 A We had 58 entertainers on Monday the 20th.

21 Q Okay. Monday the 20th, February 2017?

22 A Correct.

23 Q Is that your handwriting?

24 A No, sir.

25 Q Do you know whose it is?

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1 A I do.

2 Q Who is it?

3 A Heather's.

4 Q And do you know whose handwriting is on
5 the 21st and the 22nd?

6 A It looks like mine.

7 Q Okay. And then what about on the Page
8 2048?

9 A 48 is --

10 Q The first page. Go back there, I'm sorry.
11 Whose handwriting is that?

12 A Number 1 is Vanessa. "Candace" is written
13 in Heather's. Some are me, Heather, Vanessa -- see
14 where it says Sailor and Haley, that's me.

15 Q So it's a combination?

16 A Yeah, that's me, Heather and Vanessa. I
17 don't see any of Heather's or Kristy's.

18 Q All right. So this number that we see on
19 a lot of these pages is the number of entertainers
20 dancing that shift?

21 A Yes.

22 Q Are these night shift?

23 A Yes.

24 Q Okay.

25 MR. CHAPMAN: Off the record.

(Discussion off the record.)

BY MR. DUDLEY:

Q If you'll turn to Document 2036?

A (Complies.)

Okay.

Q Can you tell me what that document is?

A It's an e-mail from the house moms to Jack and Liz. We have to fill out separation notices on entertainers that are now reclassified as employees; so this is a list to make it simple for the back office.

Q Okay.

A And this is how night shift does it. So I think 1-14 look like leaves of absence or quit, three were fired, and then there were five leaves of absence.

Q One of them says didn't renew permit, Nora-Nina Montgomery, Number 10. What does that mean, do you know?

A So she took a leave of absence and didn't renew her permit.

Q And when you say "a permit," you're talking about a dance permit?

A True.

Q She's not allowed to work without that

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1 permit, right?

2 A Correct.

3 Q And is that permit \$350?

4 A For renewals it's 250. They lowered it.
5 The City lowered it \$100.

6 Q 350, the initial one, and 250 for a
7 renewal?

8 A No, no, they lowered it \$100. So it's 270
9 for the first one, and isn't it 250? It's three money
10 orders: 200, 50 and 20. So the first one is 270,
11 renewals are 250. They just changed the law with City
12 of Atlanta. It was 370 and 350 for years.

13 Q You don't let an entertainer work without
14 an permit --

15 A No.

16 Q -- at Cheetah, right?

17 A Correct.

18 Q Absolute company policy: No permit, no
19 work?

20 A True.

21 Q The Cheetah entertainer pays for the
22 permit?

23 A Yes, everybody pays for their own.

24 Q Okay.

25 A I pay for my own.

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1 Q Okay.

2 A I think the bathroom attendants have to
3 have them. They pay for their own, like everybody
4 does.

5 Q All right. If you can go to Bates stamped
6 2034.

7 A (Complies.)
8 Okay.

9 Q I'm sorry these aren't in order.

10 A That's okay.

11 Q You know where I am?

12 A Yes, January 30th?

13 Q Yes. If you go down to the 1st -- which I
14 assume would be February the 1st, 2017? Does that
15 sound right?

16 A Yes.

17 Q All right. It says down there, London
18 took Arya's dollars for covers and didn't show.

19 A Yes.

20 Q All right. What does that mean to you?

21 A We had a girl named London that worked day
22 shift. What she did is went to the app -- because
23 we're not on there we can't tell them -- she took
24 money for five girls, not just Arya's. And we tried
25 to call Shift Messenger and shut the app down, but

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1 we're not the administrators. I tried to be
2 proactive.

3 Q Okay.

4 A And then I go to girls to go to cash app
5 and reverse their payment -- however they do it. I
6 don't even know how they do it. Venmo, cash app --
7 however they do it. I said, this girl, she doesn't
8 work for us. She got on the app and was taking -- if
9 there were five girls looking for a cover, she was
10 telling everybody, I'll cover you, and wouldn't show
11 up.

12 Q So, London, is she an ex-dancer?

13 A I don't know who she is. She has a fake
14 name, so -- we don't even have a London.

15 Q So nobody knew who she was?

16 A I have my theory. She's making more money
17 than all of us. That's when I tried to shut down
18 Shift Messenger to help these girls, but the
19 administrator is the only one that can shut it down.

20 Q Well, I must say that I recognize the name
21 London a lot, so you're swearing under oath --

22 A We've had a lot of Londons?

23 Q -- that the London that I've seen that was
24 a dancer at Cheetah is not the London that's referred
25 to there?

1 MR. WARD: Object to the form.

2 THE WITNESS: We've had a lot of Londons.

3 BY MR. DUDLEY:

4 Q Can you answer my question, and tell me --

5 A That this is the London that worked at
6 Cheetah?

7 Q Let's go back to February 1st. Can you
8 swear to me under oath that this London here that took
9 Arya's dollars for covers is not working at Cheetah?

10 A I think she made up a name. I do not know
11 who London is. I did not have a London on my current
12 roster, February 1st. She could have been a day shift
13 girl. We've had a lot of Londons.

14 Q I understand. I just want to make sure
15 that there's no confusion there.

16 If we look at January 24th, the next page,
17 Bates stamped 2030?

18 A Yeah, there's another one.

19 Q London took cover dollars from Nadine and
20 didn't show. We need to stop her.

21 A Yeah, but I don't know who London is.

22 Q All right. So is it now your testimony
23 you do not know whether this was the London that --
24 all I want to do is find out whether you could be
25 mistaken here.

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1 Are you sure the London referred to on
2 January the 24th is not an entertainer with Cheetah?

3 A She probably was at one time.

4 Q Okay.

5 A And these two, we were trying to find her,
6 stop her, find out who it is. I think it's somebody
7 who changed her name to London on the cash app.

8 Q Have you talked to the London who worked
9 for Cheetah?

10 A Yes, yes. There it is on the 19th, London
11 took cover money via cash app from Sonya, Nella --
12 there's quite a few. This went on, and we kept
13 putting signs up --

14 Q Read the rest of that. Maybe this will
15 refresh your memory.

16 A This isn't my handwriting.

17 Q Read it, please. You saw it, read it to
18 me.

19 A Nella from last night, but did not show
20 for either shift. I told her to return it to both.

21 Yeah. We -- there's a day shift girl
22 named London -- we've had other Londons. She
23 wasn't -- we were texting and not getting a response
24 back.

25 Q All right. Let me see if I can understand

1 this. You said London took cover dollars via a cash
2 app from Sonya for tonight and Nella from last night
3 and did not show for either shift.

4 Why would she show for a shift if she
5 didn't work as an entertainer for Cheetah?

6 A We're dealing with hundreds of people. So
7 Vanessa might not have worked with London or if London
8 was a day shift girl or a new girl. She just got a
9 text from Sonya saying, hey, London is covering me.
10 And Vanessa is like, who the hell is London? I don't
11 know. I can't recall who London is. Vanessa may have
12 a better memory about London. The London that comes
13 to my mind was years ago.

14 Q And then it says -- read that last
15 sentence.

16 A Nella from last night, but didn't show for
17 either shift. So she's -- the same culprit all three
18 times was London. We also had a girl on there --

19 Q Read the next sentence.

20 A I told her to return it.

21 Q To both.

22 A She probably texted, return the money.

23 Q You told London to return the money?

24 A I didn't.

25 Q But whoever wrote this told London to

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1 return the money. That would indicate to me they knew
2 who London was, wouldn't it?

3 A Or texted the London in the phone. I
4 think, if you look in our phone, there's probably
5 several Londons.

6 Q After reading these notes, you're sticking
7 by your testimony that this was London who didn't work
8 for Cheetah?

9 A I said that London worked with day shift
10 or we've had several Londons. I've never said we
11 didn't have a London, so don't put words in my mouth.
12 I never said that London didn't work for us. I said
13 prior --

14 Q I'm not going to put words in your mouth.

15 A I said previously she worked for us.

16 Q Whose handwriting is that?

17 A That is Vanessa's handwriting.

18 Q Would Vanessa be a better person to talk
19 to about whether London was actually working at --

20 A Yes.

21 Q All right. If you would, go to Bates
22 stamp 2024.

23 A (Complies.)

24 Okay.

25 Q And you would agree that is January 9th,

1 2017 at the top, correct?

2 A Yes.

3 Q All right. Now, if you could read the
4 third entry down -- read that to me, please.

5 A Under the 9th.

6 Q Under the 9th, starting with "Nella."

7 A Okay. Nella left without tipping anyone
8 or getting a pass. Appeared to be intoxicated.

9 Q Okay. Why is it important to put down
10 there that Nella left without tipping anyone?

11 A I think it's just stating that she didn't
12 tip anybody.

13 Q Does that mean Nella is in trouble and
14 it's noteworthy and worth marking in the calendar?

15 A I think the main point would be that she
16 did not get a pass or appeared to be intoxicated.

17 Q But that's not what it says. The first
18 thing it says is left without tipping anyone, right?

19 A Uh-huh.

20 Q That was noteworthy, and this house mom
21 felt that needed to be put in the house mom journal?

22 A Uh-huh. I think the main thing is who
23 drove her, how she left -- her safety.

24 Q And whether she tipped?

25 A She signed a tip pool agreement, but

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1 nothing -- once again, if she didn't make any money
2 she didn't have to tip anybody.

3 Q And then the next reference to Nella -- on
4 Bates stamp 2022, it says, Nella sent home. Was to
5 talk to Bob.

6 Do you know what that was about?

7 A I'm assuming it's from the entry on the
8 9th.

9 MR. WARD: 10th.

10 THE WITNESS: 10th, sorry.

11 MR. WARD: You're pointing to the 10th is
12 why.

13 THE WITNESS: Okay. The 10th.

14 So the 9th and the 10th she blew over --
15 see where it's a 121? When she spoke with Bob
16 she was on drink restriction. That's what "DR"
17 means. These are all Vanessa's handwriting.

18 BY MR. DUDLEY:

19 Q You don't know why she's to talk to Bob,
20 do you?

21 A Uh-huh.

22 Q You don't know whether it's because of the
23 tip outs or the drinking, do you?

24 A I'm assuming it's the drinking, because it
25 was written after. On the 10th she worked and got

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1 drunk.

2 Q Could be both, right?

3 MR. WARD: Object to the form; calls for
4 speculation.

5 THE WITNESS: No, we let her work on the
6 10th, so no, I don't know.

7 BY MR. DUDLEY:

8 Q Could it be both?

9 A No.

10 Q Definitely, it was only one of them?

11 A Well, that was the problem on the 9th.

12 This is on the 10th, so I'm assuming they handled the
13 problem on the 9th. When they let her work on the
14 10th, they handled the problem on the 9th.

15 Q All right. Go to Bates stamp 1996.

16 A (Complies.)

17 Okay.

18 Q This is January the 25th.

19 A Okay. This is day shift's log. I don't
20 know how much help I can be.

21 Q Okay. Well, let's see, do you recognize
22 whose handwriting this is?

23 A I do.

24 Q Who is that?

25 A Sam.

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1 Q Okay. The first entry says, issuing
2 separation notice on Kennedy and Sara/Angie?

3 A Uh-huh.

4 Q She left Monday without doing check out
5 and was drinking?

6 A Okay.

7 Q Why is it put on here that she left
8 without doing check out? Why is that important?

9 A Because they have to breathalyze to leave.

10 Q There's something else they do at the
11 check out process, isn't there?

12 A Yes.

13 Q And that's tip out everyone, isn't it?

14 A If they make money, yes.

15 Q And if they don't do their tip outs, you
16 and the other house moms want to hear about it, don't
17 you?

18 A I can't say that anybody has ever been
19 reprimanded for not tipping out, if they didn't make
20 money.

21 Q It's significant enough to put it in the
22 journal --

23 A And I think the key is that she was
24 drinking.

25 Q Again, I know that there's two items down

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1 there -- there's two concerns listed, aren't there?

2 A I think the main concern is the drinking.

3 Q You think that?

4 A I know that.

5 Q Again, do you know that with Sam? Do you
6 know about this incident?

7 A I can't speak for Sam. Okay.

8 Q Okay. If you go down to the next -- could
9 you please read that to me?

10 A Having issues on both day and night shifts
11 with London taking money to cover girls and coming in.
12 Also, heard a rumor -- oh, selling Xanax to dancers.
13 Never heard that one.

14 Q Now, we're talking about London again,
15 aren't we?

16 A Uh-huh. So I'm assuming she's a day shift
17 girl.

18 Q What is London doing this time?

19 A Same -- taking cover money, and that was
20 January 25th, which correlates with our dates.

21 Q And guess what else she's not doing?

22 A Not coming in.

23 Q Not coming in, right?

24 A Yeah.

25 Q Do you think that's probably a Cheetah

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1 entertainer?

2 A Yeah. Well, I said she worked day shift,
3 I thought.

4 Q Let's go to Bates stamp 1990.

5 A (Complies.)

6 Okay.

7 Q January 13th, 2017.

8 A Okay.

9 Q Second page. Is that Sam's writing on the
10 right side?

11 A It is.

12 Q And tell me what Sam wrote there.

13 A It says, per Sam with Whitney. I don't
14 know what that means. Kim Vashon left without tip out
15 or breathalyzing. Ali, sick. It looks like it says
16 Olive, but I don't know an Ali or Olive.

17 Q And as far as you know, Sam felt it was
18 significant that Kim left without tipping out; is that
19 correct?

20 A Yes, or breathalyzing is also there.

21 Q And breathalyzing?

22 A Or breathalyzing.

23 Q Okay. Why would she write that, do you
24 know?

25 A You'd have to ask Sam.

1 Q Can you read Bates stamp 1937, the next
2 page?

3 A Not really. Charlie-something -- I can't
4 read it -- covering. I don't know what that says --
5 Charlie.

6 Q Charlie is a dancer?

7 MR. CHAPMAN: That's how it was produced
8 to us.

9 THE WITNESS: Who is Charlie?

10 BY MR. DUDLEY:

11 Q Charlie is a dancer?

12 A Day shift?

13 Q Is Charlie a dancer?

14 A Are you asking me? I don't know. Day or
15 night.

16 Q Do you know of a Charlie that's a
17 night-shift dancer?

18 A Charlie -- blonde? We have a current
19 entertainer named Charlie, blonde. But we've had a
20 couple of Charlies. We had a red-headed Charlie and
21 now a blonde-headed Charlie, but --

22 Q Well, if it says Charlie's schedule is
23 Monday, Friday or Saturday nights, that would indicate
24 she's a dancer, does it not?

25 A Okay.

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1 Q Would it not?

2 A I don't know. She could be a waitress.

3 Q Are waitress stuff kept in the house mom's
4 journal?

5 A If they dropped it on the floor on their
6 way out -- I don't know. I don't know what this is.
7 It looks like a Post-It note that's been blown up.

8 Q All right. And then it says Charlie will
9 be out of state Monday, December the 19th through
10 Thursday, December the 29th.

11 Would that indicate to you that Charlie is
12 a dancer?

13 A I don't know.

14 Q Do you know a dancer named Heather
15 Johnston?

16 A I don't know anybody's real name, unless
17 I'm friends with them on Facebook. Heather Johnston?
18 What year is this?

19 Q I don't know.

20 A Who gave you --

21 Q I don't know.

22 The next item says, covering Charlie.
23 Would that indicate to you that Charlie is probably an
24 entertainer?

25 A I don't know. I can't answer this without

1 seeing it or -- see, down here it looks like, switched
2 12/23 or -- what does the bottom one say?

3 Q Let's stay with the covering first. It
4 says 12/19 --

5 A Okay.

6 Q That somebody is paying \$70 for a cover,
7 Iman. Would that indicate to you that Iman is a
8 dancer, and that Charlie is paying her \$70 to cover
9 for her?

10 A Iman is day shift. Oh, look London
11 again -- that London.

12 Q It also says that London is covering for
13 Charlie and she's getting \$70, does it not?

14 A Well, it says 70, kind of.

15 Q Kind of?

16 A I mean, I can kind of read that. It's
17 hard to read.

18 Q I can read it. Does that look like 70 to
19 you?

20 A It looks like 70.

21 Q Okay. Does it look like 70 for Iman, too?

22 A Yes. I can't make out what the first one
23 says. Charlie will be out of state? Okay.

24 Q And then there's another thing that says
25 Charlie is covering on December the 15th for Lindsay?

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1 A Okay.

2 Q Is that right?

3 A It's hard to read, but that's what I think
4 it says.

5 Q Let's go to 1379. Whose handwriting is in
6 that third notation?

7 A 1379?

8 Q Yes.

9 A Sam's -- oh, Kristy's.

10 Q Kristy's. Can you read that to me?

11 A Kat thought I had her covered, which I
12 did, nighttime Stacey. But when Stacey asked Kat, Kat
13 said no, because she didn't realize that she was going
14 to be her cover. Miscommunication, because I wasn't
15 more clear in the text to Kat or Stacey -- sad face.

16 Q And which house mom is this writing this?

17 A Kristy.

18 Q So would that indicate to you that Kristy
19 was involved in Kat's scheduling of a cover?

20 A Well, we did help girls get covers -- not
21 for money.

22 Q You would agree with that statement?

23 A Not for money, but, yes, we helped girls
24 get covers. And a lot of times day shift would try to
25 get covers, yeah, I think that's --

1 Q Let's go to the next one, Bates stamp
2 1384.

3 A Okay.

4 Q Could you read the third notation?

5 A Martha wasted, no surprise. Left without
6 doing check out or tip out. Snuck out, no
7 breathalyzer, no nothing. Not allowed in E-Room for
8 the next year.

9 Q All right. Would you agree with the
10 statement that Martha is being disciplined --

11 A She's a waitress.

12 Q Okay. But Martha is being disciplined for
13 not tipping out or going through the check out
14 process; is that correct?

15 MR. WARD: Object to the form.

16 THE WITNESS: I'm assuming.

17 BY MR. DUDLEY:

18 Q Why would --

19 A I don't know.

20 Q Why would Martha, if she's a waitress, not
21 be allowed in the E-Room?

22 A Because the E-Room is a VIP room. You
23 make a lot of money waiting in the E-Room, I guess.
24 You'd have to ask Sam. I don't know. I don't know
25 what that means, because the E-Room is not open during

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1 the day. I don't know.

2 Q Waitresses are required to tip out also?

3 A Their bartender. They tip out their
4 bartender.

5 Q Who else?

6 A I think the food runner. You'd have to
7 ask -- I haven't waitressed since '98.

8 MR. DUDLEY: I don't think I have any
9 other questions.

10 Do you guys have questions?

11 EXAMINATION

12 BY MR. CHAPMAN:

13 Q Holly, what's the name of your husband?

14 A Jeff Wood.

15 Q You've talked several times about the
16 policies of The Cheetah in their various forms. Some
17 of them are written, some of them are not written; is
18 that my understanding?

19 A Of The Cheetah policy?

20 Q Yes, Cheetah policy is about a variety of
21 subjects. We've gone into it exhaustively, and I'm
22 not going to replot that old land.

23 A Yes, thank you for that.

24 Q There's written and unwritten policies; is
25 that correct?

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1 A Anything that I stated earlier, yes.

2 What do you mean, unwritten?

3 Q That's what I gathered from your testimony
4 was that there were policies that were reduced to
5 writing, and then there were other policies that were
6 not written down anywhere. Is that wrong?

7 A I don't know of any that were not written
8 down.

9 Q So all of Cheetah's policies, so far as
10 you know, were written down at some point?

11 A Yes.

12 Q And the forms that we've showed you, that
13 we've seen where they've been written down, you've
14 seen those same policies in different forms; is that
15 right?

16 A Different years, yeah, when they were
17 reclassified as employees.

18 Q Is there any way that you can help us in
19 describing those to understand it better?

20 A He gave me as Exhibit 5 --

21 Q That's the new one --

22 A -- is the new one.

23 Q -- for when you started talking about them
24 as employees. Are those the only two that you're
25 aware of that were in writing?

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1 A You'd really have to ask the back office.
2 And if they changed something -- in 2011 the
3 arbitration policy changed, so we had everybody update
4 their emergency contacts, as well, in 2014, so I know
5 that there's those two, as well. I don't know if the
6 Exhibit 4 was one that a house mom typed up -- I don't
7 know. This one is the one the back office e-mailed
8 over. This one --

9 Q Can you tell us those numbers, exhibit
10 numbers?

11 A Yeah, five is when they were reclassified.
12 This was sent from the club.

13 Q That's the most recent version of the
14 rules?

15 A Correct.

16 And four --

17 Q Was the previous version?

18 A I don't know when this one was from, so I
19 can't answer that.

20 Q Have you seen the other version of four?

21 A The other version of four that you have?

22 Q Is there another version of four?

23 A I think there was one for day or night. I
24 think this touches on more of a training aspect.

25 MS. KOLLAS: Can the record reflect that

1 when she said that she thinks Exhibit 4 is the
2 document that the house moms typed up -- for
3 clarification?

4 BY MR. CHAPMAN:

5 Q Is the house mom version that is marked as
6 Exhibit 4 official Cheetah policy?

7 A I don't know.

8 Q Were the house moms authorized to type it
9 up and hand it out?

10 A I don't know who typed it, so you'd have
11 to ask them.

12 Q Did you hand it out to anyone?

13 A I think a long time ago I did. I think
14 this really goes back years.

15 Q Is there a more recent version of that
16 before Exhibit 5?

17 A I can't answer that.

18 Q You don't recall one?

19 A Yeah, this one seems kind of big, though,
20 so I'm going to say that there probably was one
21 between -- I can't answer that. I don't know.

22 Q You don't know what it would look like?

23 A No.

24 Q Okay. If a dancer routinely failed to tip
25 out, would they be subject to being fined?

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1 A If an entertainer what?

2 Q If they failed to routinely tip out, would
3 they be fined or would they be fired or would they be
4 disciplined?

5 MR. WARD: Object to the form.

6 MR. CHAPMAN: Okay. So I want to
7 rephrase.

8 BY MR. CHAPMAN:

9 Q What would happen if a dancer routinely
10 failed to tip out?

11 MR. WARD: Object to the form.

12 THE WITNESS: I don't think it's ever
13 happened. I think nothing. If they didn't make
14 money, they didn't make money. They didn't tip
15 out.

16 BY MR. CHAPMAN:

17 Q What if they made money and they refused
18 to tip out?

19 A I don't think it's -- it's so rare, I
20 don't know. Nothing.

21 Q Nothing would happen to them?

22 A Yeah. They might have, you know -- I
23 think in correlation with the calendar, anybody who
24 didn't breathalyze or tip out was really intoxicated
25 and left the building, you know, maybe in an Uber or

1 Lyft, so they would usually be intoxicated.

2 Q So these people that never tip out, how
3 many of them have you seen over your career at The
4 Cheetah?

5 A How often did that happen?

6 Q Yeah, these people that never tip.

7 A Very rare. I mean, a lot of girls don't
8 tip me, but maybe one or two girls a night.

9 Q So it's perfectly all right for them not
10 to tip the DJ?

11 A In the tip pool agreement, if they don't
12 make money, they don't tip out.

13 Q So they don't have to tip anybody at all
14 if they don't want to. It's entirely voluntary,
15 they're not subject to any discipline?

16 A After 2016?

17 Q Before or after.

18 MR. WARD: That's my objection.

19 MR. CHAPMAN: Before or after that day, if
20 they didn't --

21 THE WITNESS: I've never reprimanded
22 anybody for not tipping out.

23 BY MR. CHAPMAN:

24 Q Okay. Could they be discharged for
25 failing to tip out?

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1 A I don't think so.

2 Q No?

3 But yet nobody has ever done that in your
4 entire --

5 A They've left without tipping out or if
6 someone made --

7 Q Once?

8 A I don't know how many times, because I
9 don't take the tip out, but I'd say rare.

10 Q So it's your testimony that it's an
11 entirely voluntary process?

12 A Before 2016?

13 Q Before or after. It's entirely voluntary?

14 A Before, we had suggestions, and after they
15 have a tip pool agreement. And if they don't make
16 money to tip out, they don't make money to tip out.

17 Q So under the tip pool agreement, that's an
18 agreement they have signed off, is it not?

19 A Yes.

20 Q And in that, if they refuse to comply with
21 what they signed off on, there's absolutely no
22 repercussion for them, right?

23 A Not that I know of. Girls have been
24 talked to before about, you know, did you not make any
25 money? No. Okay.

1 Q They can just walk off and there's no
2 repercussions?

3 A If they say they didn't make any money, we
4 have to trust them, that they didn't make any money.

5 Q Well, what if they did make money?

6 A I don't know if that's ever happened, so I
7 don't know.

8 Q The serial numbers on the Cheetah Bucks
9 are placed on there by the club?

10 A They're printed -- yeah, when they're
11 printed they have a transaction number.

12 Q And those allow you to identify the
13 specific dancer that those bucks are associated with?

14 A I don't know. You'd have to ask a Cheetah
15 Buck girl or back office. I think it's more for
16 chargeback.

17 Q Well, that would be true if it identified
18 the customer?

19 A The customer, yeah.

20 Q But you, I thought, testified that it was
21 associated with a specific dancer?

22 A Yeah, I've never kept track of that, but I
23 think when Cheetah Bucks -- and you'd have to ask
24 them -- Cheetah Bucks can track, you know -- Cheetah
25 Bucks can tell you who cashed them in. I don't know

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1 if they do, but --

2 Q So those numbers consist of what, exactly?
3 Do you know?

4 A I think it has an employee number on them.
5 I might have one. An employee number --

6 Q So I thought you said the dancers don't
7 have employee numbers?

8 A They do, after April --

9 Q Well, that's after the change.

10 A No, no, whoever issued them. The dancer's
11 employee number is not on there. The -- whoever
12 issued them, whoever printed them.

13 Q Would that be the Cheetah Buck girl?

14 A Yeah, and I think Sam and Kristy sell them
15 during the day. It used to be the waitresses and
16 bartenders, so that has changed over the years, as
17 well. It would have different -- like an employee
18 number, a date and the amount, and it would either be
19 a 10 or a hundred.

20 Q Forgive me, I don't know the exhibit
21 number on this exhibit.

22 A One.

23 Q It's one?

24 Are you aware of any accounting, outside
25 of this specific document, for the charges that you

1 placed on there for tanning, late fees and VIP? Is
2 there any kind of accounting that's kept separate and
3 apart from this piece of paper --

4 A I don't know.

5 Q -- or the master sheet, the front page,
6 the white page.

7 Do you know if anybody keeps that as a --
8 in some kind of recorded form?

9 A I don't know.

10 Q The Cheetah girl also would receive that?

11 A Yes.

12 Q Does The Cheetah girl work with the
13 accounting department?

14 MS. KOLLAS: I'm sorry, are you talking
15 about the Cheetah Bucks girl?

16 BY MR. CHAPMAN:

17 Q Cheetah Buck girl?

18 A I would consider the accountants day
19 shift, but they take all the bartenders and
20 waitresses, you know, everybody's check out.

21 Q There would be similar forms to this one,
22 Number 1, turned in by the bar --

23 A Every bartender, every waitress, yeah.

24 Q And so those numbers would be correlated
25 where? On-site?

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1 A I don't know. I've never been a Cheetah
2 Buck girl.

3 Q Is there an accountant in the office at
4 The Cheetah?

5 A Yes.

6 Q Is it on-site there?

7 A Yes.

8 Q So there's an accounting -- a physical
9 accounting office present in the building?

10 A Uh-huh.

11 Q Do they have computer records?

12 A I don't know.

13 Q Who is -- what's the name of the
14 accountant?

15 A We have two: Liz Barton, and we have a
16 new woman and I don't know her name. Shirley, I
17 think.

18 Q Liz Barton and Shirley are the two
19 accountants?

20 A Uh-huh. And I think Sue Morgan retired in
21 April of last year.

22 Q So if there was accounting done, they
23 would be the logical people to do it?

24 A (Nods head.)

25 Q Is that a yes?

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1 A I guess.

2 Q Okay. Now, you say you kept these in your
3 locker, these forms, Exhibit 1?

4 A These (indicating) were in my locker,
5 these three together.

6 Q All three of the pages on Exhibit 1 were
7 in your locker?

8 A Yes.

9 Q Along with many others, obviously?

10 A (Nods head.)

11 Q And did the other house moms also have
12 lockers?

13 A Yes.

14 Q And did they store similar documents in
15 their lockers?

16 A I don't know where they put theirs. I
17 think when Kristy and Heather work, they leave them on
18 the clipboard. I don't know what they do with theirs.

19 Q Have you ever looked in their lockers?

20 A Heather's is full of shoes. Vanessa just
21 moved lockers. I don't think I've ever looked in
22 Sam's locker. But I don't know if they keep up with

23 --

24 Q You've never seen anybody else store those
25 records?

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1 A (Shakes head.)

2 Q Is that a --

3 A No.

4 Q -- no?

5 A Yeah.

6 Q You have to say verbally, because she
7 can't record the shaking of the head.

8 A Yeah.

9 Q You've never seen anybody --

10 A I don't know what they do with them.

11 Q Do the other house moms also record the
12 red, yellow, green and blue shifts?

13 A The highlighting?

14 Q Yes. Do they do it the same way you do?

15 A They use different colors, but similar.

16 Q So do they use different names for the
17 colors or are they standard?

18 A I got trained with certain colors and
19 sometimes, like, if my orange one was out, but --

20 Q I mean, they have no significance, other
21 than the fact that they're just colors?

22 A They're just colors.

23 Q And do the other house moms use similar
24 kind of colors or different colors, but they also use
25 colors?

1 A I think so.

2 Q They organize by shifts, just like you
3 do -- four shifts?

4 A By stages? Yeah.

5 Q Stages, I guess. Stages 1, 2, 3 and 4?

6 A Yes.

7 Q And have you seen the other house moms
8 keep a sheet similar to this one that's on Exhibit 1?

9 A Yes.

10 Q And, likewise, you don't know where these
11 would be stored?

12 A No.

13 Q This last page, was that turned in to The
14 Cheetah?

15 A No, that was just for my own personal --
16 it was to tell you where they checked in at.

17 Q Who printed this blank form?

18 A I don't know. It's a good question.

19 Q Where did you find it?

20 A House mom, that they just --

21 Q You print your own supply of them or did
22 you pick it up from The Cheetah?

23 A It's on the screensaver, and I print them.
24 Some people do theirs different, like Sam and Kristy
25 fold theirs in half. I just leave mine in one sheet.

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1 Q What do you mean they fold them in half,
2 I'm sorry.

3 A They don't have as many check-ins during
4 the day. They fold them in half and keep them --
5 their rotation on half and that on the other half, but
6 this is just how I started doing it in 2011.

7 Q But they use the same kind of form?

8 A Similar.

9 Q Similar kind of form?

10 A Yeah, different, but similar, yeah.

11 Q And, again, you don't know what they do
12 with those?

13 A I don't.

14 Q So let me get a clear understanding of the
15 documents that you turned over for processing. We
16 have these documents that are marked as Exhibit 1,
17 which are one category of documents that you turned
18 in.

19 And we have a second set, which you
20 characterized as your daily schedule sheet; is that
21 right? Those are the things that you turned in to Sam
22 at the end of every week?

23 A The end of every week I print the daily
24 sheet, and it has all the marks -- you know, who was
25 present and my girl count, and then I print the

1 call-ins and what their reason was, and if they had a
2 doctor's note I would include that in there. So it
3 would have the call-in log, the daily attendance for
4 every day, and then I just put them together in a
5 folder at the end of the week.

6 Q So that's, actually, then, multiple sheets
7 is that right, that you just described?

8 A Yeah, five, six, seven, probably -- yeah,
9 six days a week, and then the no call/no show.

10 Q And all those would be organized
11 chronologically and kept by --

12 A I don't know what she does with them.

13 Q Who did you turn them in to?

14 A I put them in a folder. Since 2011, I put
15 them in a folder, and I don't know what they do with
16 them.

17 Q Who did you turn them in to?

18 A There's a filing cabinet, the top drawer,
19 and I put them in there.

20 Q Okay. What else is in that filing
21 cabinet?

22 A There's some party plates and some party
23 hats for some of the dancers' birthdays.

24 Q Are there any records in there?

25 A No, there's some extension cords, and the

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1 only thing is a manila folder, and I put them in
2 there. There's one manila folder, and that's just
3 where we put it for her to get it.

4 Q Does everybody put it in there or is that
5 just a pick-up spot?

6 A I put it in there on Saturdays.

7 Q And then it's picked up by who?

8 A I guess, Sam.

9 Q Sam picks it up, and then do you know what
10 Sam does with it?

11 A I don't.

12 Q Now, are there any other records that you
13 turned over for processing?

14 A No.

15 MR. CHAPMAN: Mr. Berney?

16 EXAMINATION

17 BY MR. BERNEY:

18 Q I've just got a few. I know you've been
19 here a long time today. I'm going to try to keep it
20 really short. So I'm a lawyer. I represent some of
21 the claimants in some of the arbitrations that are
22 pending.

23 A Okay.

24 Q I want to talk about the cell phone that
25 you mentioned that you got from The Cheetah. At some

1 point you were given a cell phone to get all the
2 business traffic off your home phone, correct?

3 A Yes.

4 Q Were each of the house moms given their
5 own phone?

6 A We share it.

7 Q There's just one phone for all the house
8 moms?

9 A Yeah.

10 Q And who is the provider of that cell phone
11 service; do you know?

12 A I think it's Verizon.

13 Q And can we get an agreement to give us the
14 number of the phone? Do you know the number by heart?

15 A Uh-huh. 770 --

16 MR. BERNEY: Do you want it on the record
17 or off the record? It doesn't matter to me.

18 MS. KOLLAS: Let's take it off the record.

19 (Discussion off the record.)

20 BY MR. BERNEY:

21 Q So, when you go to work, when do you get
22 that phone?

23 A Between 7:30 and 8:00.

24 Q And is that phone kept in your office or
25 where is it kept?

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1 A In the desk -- or in the locker.
2 Sometimes in the locker or the desk, depending on if
3 Sam or Kristy had it out.

4 Q So is there a locker that all of the house
5 moms have access to?

6 A Yes.

7 Q And that's a separate locker than your own
8 personal locker?

9 A Yes.

10 Q And in that locker where the cell phone is
11 kept, are there other business records kept in that
12 locker?

13 A I keep their -- the entertainers'
14 paychecks in there, so I can pass them out on
15 Wednesdays. And if they're not there on Wednesdays
16 then I pass them out on Thursday or Friday.

17 Q Anything else besides that?

18 A Some Christmas hats, some Mardi Gras
19 beads, I think that's it -- a Kentucky Derby outfit.

20 Q Do you know if any other employee at The
21 Cheetah received -- at or about the time you got a
22 phone or the house moms got a phone, did anybody else
23 get a phone?

24 A I don't think so.

25 Q And then to follow-up on the daily

1 schedule sheets. You said you turned those in on
2 Saturday by putting them in a folder in your locker
3 for Sam to get?

4 A No, in the filing cabinet.

5 Q In the filing cabinet, I'm sorry.

6 Okay. Now -- so, you do that at the end
7 of the Saturday shift or right when you get there?

8 A The end.

9 Q So they run Saturday to Saturday. Is that
10 how they work?

11 A Start on Monday -- Monday to Saturday.

12 Q Monday to Saturday, okay.

13 MR. BERNEY: I think that's all I have.

14 MR. DUDLEY: I just have a few quick
15 questions. I don't have any. I'm not going to
16 ask any. That's fine. We're through.

17
18 (Whereupon the deposition was concluded at 4:21 p.m.)
19

20 (Pursuant to Rule 30(e) of the Federal Rules
21 of Civil Procedure and/or O.C.G.A.

22 9-11-30(e), signature of the witness has
23 been reserved.)
24
25

1 ERRATA SHEET

2 I, HOLLY WOOD, the witness herein, do hereby
 3 certify that I have read the transcript of my deposition
 4 testimony dated OCTOBER 23, 2017, and the same is true
 5 and correct to the best of my knowledge with the
 6 exception of the following changes noted below, if any:

- 7 _____ 1) There are no changes noted.
 8 _____ 2) The following changes are noted:

9 Pursuant to Rule 30(7) (e) of the Federal Rules
 of Civil Procedure and/or the Official Code of Georgia
 Annotated 9-11-30 (e), both of which read in part:
 10 Any changes in form or substance which you desire to
 make shall be entered upon the deposition... with a
 11 statement of the reasons given... for making them.
 Accordingly, to assist you in effecting corrections,
 12 please use the form below:

13 Page No. _____ Line No. _____

14 Change to: _____

15 Reason for Change: _____

16
 17 Page No. _____ Line No. _____

18 Change to: _____

19 Reason for Change: _____

20
 21 Page No. _____ Line No. _____

22 Change to: _____

23 Reason for Change: _____

24 _____

25 _____

250

1 Deposition of HOLLY WOOD

2
3 Page No. _____ Line No. _____

4 Change to: _____

5 Reason for Change: _____

6
7 Page No. _____ Line No. _____

8 Change to: _____

9 Reason for Change: _____

10
11 Page No. _____ Line No. _____

12 Change to: _____

13 Reason for Change: _____

14
15 Page No. _____ Line No. _____

16 Change to: _____

17 Reason for Change: _____

18
19 _____
20 HOLLY WOOD

21 Sworn to and subscribed before me,
22 this the _____ day of _____, 20____.

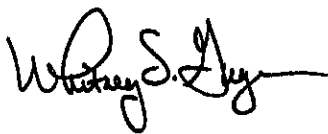
23 _____
24 Notary Public
25 My commission expires:

D I S C L O S U R E

I, WHITNEY S. GUYNES, CCR, (WSG Reporting, LLC) do hereby disclose pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, that I was contacted by the party taking the deposition to provide court reporting services for this deposition, and there is no contract that is prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7(c) of the Rules and Regulations of the Board for the taking of this deposition.

There is no contract to provide reporting services between WSG Reporting, LLC or any person with whom I have a principal and agency relationship nor any attorney at law in this action, party to this action, or party having a financial interest in this action.

Any and all financial arrangements beyond my usual and customary rates have been disclosed and offered to all parties.



Whitney S. Guynes, B-1897
November 7, 2017

C E R T I F I C A T E

G E O R G I A:

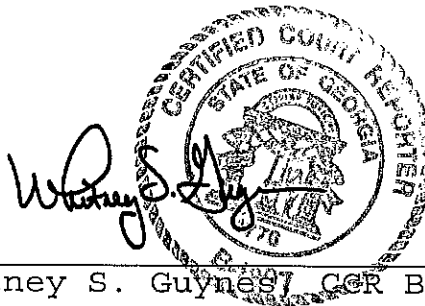
GWINNETT COUNTY

I hereby certify that the total transcript, pages 7 through 248, represent a true, complete, and correct transcript of the proceedings taken down by me in the case aforesaid (and exhibits admitted, if applicable); that the foregoing transcript is a true and correct record of the evidence given to the best of my ability.

The above certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of myself, and the signature and original seal is attached thereto.

I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of the actions.

This the 8th day of November, 2017.



Whitney S. Guynes, CER B-1897

AMENDED CERTIFICATE

STATE OF GEORGIA

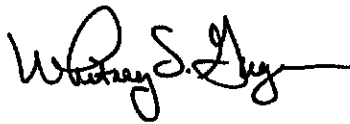
COUNTY OF GWINNETT

IN RE: ALISON VALENTE, JENNIFER BARLOW, KATHRYN
MONROE, SOPHIA SMITH, STEPHANIE LEBEAU on behalf
of themselves and all others similarly situated,
v.
INTERNATIONAL FOLLIES, INC. et al

WITNESS: HOLLY WOOD

I hereby certify that in addition to the certification made on Page 252
of the transcript, the more than thirty (30) days provided the witness to read
and sign the original transcript has expired. Therefore, the original is being
filed without signature of the witness.

This the 10th day of January, 2018



Whitney S. Guynes, CCR - B-1897

